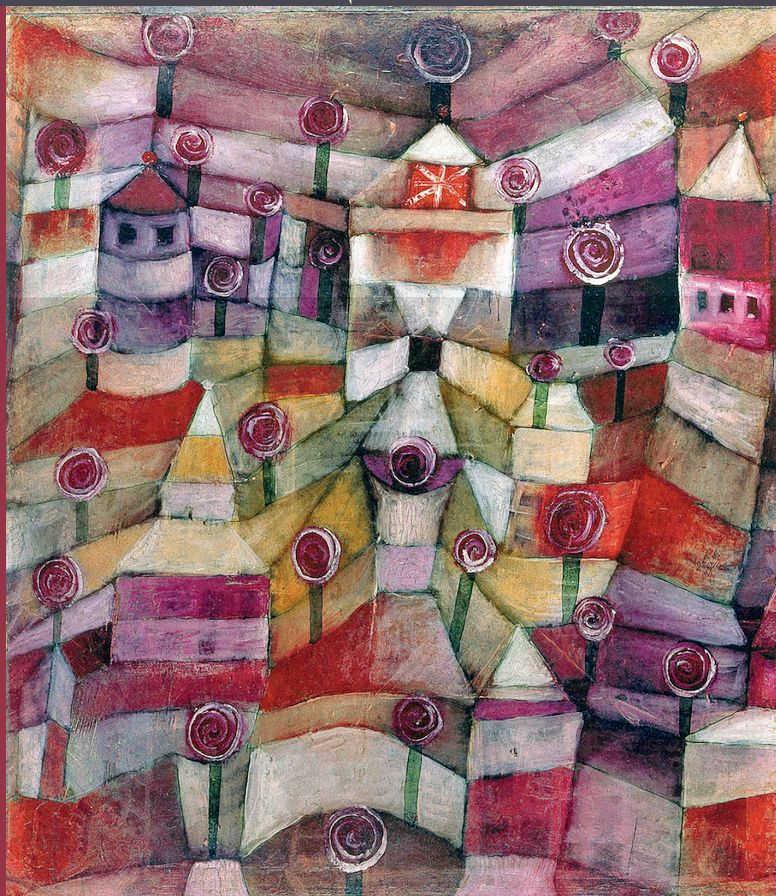


# SPACE AND PLURALISM



**CAN CONTEMPORARY CITIES  
BE PLACES OF TOLERANCE?**

Edited by Stefano Moroni  
and David Webberman

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## **Space and Pluralism**





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Be Places of Tolerance?**

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**Stefano Moroni and David Weberman**



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# Introduction: Space, Pluralism and Tolerance

*Stefano Moroni and David Weberman*

This collection of papers on social space, the challenges of pluralism and the prospects for tolerance is thoroughly multidisciplinary. Its contributors come from philosophy, political science, geography, urban studies, and urban design and planning. Because the contributors also draw on scholarship outside of their own discipline, working at the intersection of various descriptive and normative issues and various methodologies, this collection is not just multidisciplinary, but also interdisciplinary in the truest sense of the word. We see this criss-crossing of reflection and investigation as a great virtue and hope that readers will benefit from having these problems illuminated from diverse points of view. These papers, individually and in the aggregate, approach pluralism pluralistically. In this introduction we want to set the stage for this multifaceted discussion and indicate the key topics that bring together the chapters that follow.

## Space

In the last two decades, concerns with space have escaped the confines of geography departments and become vitally interesting to many other disciplines and areas of study. This is known as the “spatial turn” in the humanities and social sciences (Thrift 2006; Finnegan 2008; Warf and Arias 2009; Withers 2009; Arias 2010; Bodenhamer 2010; Middell and Naumann 2010; Dikeç 2012; Hess-Lüttich 2012; Richardson et al. 2013; Kümin and Usborne 2013).<sup>1</sup> Space as experienced, perceived and con-

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<sup>1</sup> As is well known, Edward Soja (1989 and 1996) is one of the leading theorists credited with a new conceptualization of space that has swept across academia (see the interview with Soja in Blake 2002).

ceived, is no less important than time in the production and understanding of human activity. Far from being a brute physical phenomenon, space is ineliminably social. Space conditions human activity but, at the same time, human activity “produces” space (Dikeç 2002). This is the subject of chapter 1 by Lippai and Weberman in which they distinguish between “geometric space” and “experiential space” and outline the ways in which the construction of space and its distribution must take into account its experiential and social dimensions.

Current political philosophy has frequently neglected the phenomenon of space, especially in its experiential and social dimensions. While classical political philosophers were aware of its importance, this crucial issue is often absent from philosophical reflection on political and social reality and attendant questions of justice.<sup>2</sup> The central aim of the present book is to fill this gap, with particular attention to descriptive and normative issues surrounding the ways in which pluralistic societies deal with space, both public and private, so as to resolve conflicts and competing claims and to come closer to a cohesive and harmonious coexistence.

Political philosophy must pay more attention to space because of globalization, hybridization, and rapidly increasing urbanization. Today, more than ever before, a large part of the world’s population are concentrated in cities. In Europe more than 75% of people live in cities. And every month five million more live in the cities of the developing world (Glaeser 2011). Cities generate wealth: over 80% for developed nations (Landry 2008). And they are cauldrons of creativity and cultural innovation (Andersson et al. 2011). Despite all the hype about long-distance telecommunication making physical proximity dispensable, cities are actually more important than before because the clustering force of cities is still absolutely fundamental (Sassen 2000; Véron 2006; Florida 2008; Landry 2008; and Glaeser 2011). As Richard Florida (2005, 28) writes: “Perhaps the greatest of all modern myths about cities is that geography is dead.... Never has a myth been easier to deflate. Not only do people remain highly concentrated, but the economy itself ... continues to concentrate in specific places.” It is estimated that by 2050 cities in developed countries will occupy three times today’s land area (Angel et al. 2011, 95–96). Cities

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<sup>2</sup> Geographers and planners have often drawn on theories and concepts from ethics and political philosophy to discuss spatial issues (see, in particular, Harvey 1973 and 1996, Smith 1977, Wachs 1985, Beatley 1994, Hendler 1995, Sack 2003, Fainstein 2010, Marcuse et al. 2009). Unfortunately, philosophers have been much less inclined to draw on social scientific research on the experience of space.



have always been the hearth of civilization, but now, for the first time, they have become the universal environmental framework for human society. “Only a century ago, the overwhelming setting of human life was the community village, which fit symbiotically with nature and shaped customary society. Now ... urban life dominate most people” (Schneider 2003, 21). In short, the twenty-first century is the century of the city (Kihato et al. 2010). And

if it is true that urban conditions shape the making of the modern citizen,... should we not incorporate this development into our normative models of citizenship? In other words, do contemporary models of citizenship take sufficiently into account this new and fundamental step in man’s social evolution? (Van Leeuwen 2010, 632)

The same goes for other social and political categories and concepts. Not just citizenship, but justice, rights, legitimacy and democracy need to be reexamined in light of our increasingly urbanized and multicultural existence and its spatial structures and complications.

One of the most central aspects of social space that runs through most of the essays in this collection is the division between public and private space. That there is and, in liberal societies must be, such a division is beyond question. But it turns out that the division is highly complicated and controversial. It is not easy to find a sharp line. In chapter 4, Moroni and Chiodelli zero in on the complex nature of space, discussing several in-between categories, with various levels of conditions of access and use, that increasingly define daily life and social interaction in the urban realm. Furthermore, as Omer shows in chapter 11, there is an intricate relationship between the private space of residential housing and the surrounding public space such that even if conceptually separable, their function and perception stand in a strong and complex relationship of mutual causation. There is considerable complexity regarding the qualitative evaluation and valorization of both private and public space. Many see public space as the distinctive place for contact and cross-cultural understanding and its diminishment, real or imagined, as an evil. In chapter 5, Kirby calls this view into question. He argues that private space can contribute more to public life than is generally acknowledged. He also points out that public space is vulnerable to state control and does not automatically generate desired social relations. From a different angle, in chapter 10, Toušek and Strnadová remind us that public space rather than a place of inclusiveness can easily serve as a tinderbox for discrimination and exclusion, whether overt or not. They discuss in detail Roma and homeless communities in Czech cities.

## **Pluralism**

By pluralism, we mean here the idea that there are multiple, legitimate conceptions of the good among individuals and groups who coexist with each other within society. A “conception of the good” is an idea of what renders life meaningful, worthwhile and pleasant. Individuals and groups follow more or less articulate conceptions which are typically shaped by culture, language, and religion. An individual conception of the good life encompasses the main aims and goals in life, ideas regarding how to spend time and money, priorities that guide career decisions, as well as specific tastes concerning everyday choices (Waldron 1993, 160–61). In other words, there are a great many possible paths to self-realization among various individuals and populations. It has become a salient feature of our contemporary experience that “on matters concerning the meaning of life ... discussion among reasonable people tends naturally not toward consensus, but toward controversy” (Larmore 1996, 169). In short, there are “profound and irreconcilable differences in citizens’ reasonable comprehensive religious and philosophical conceptions of the world, and in their views of the moral and aesthetic values to be sought in human life” (Rawls 2001, 3). This pluralism of the conceptions of the good is not a mere contingent condition that may pass away; it is a permanent feature of our social-spatial environment (Rawls 1993 and 2001).

As we use the term, pluralism does not presuppose (i) egoism, (ii) atomism or even (iii) skepticism.

The plurality of interests and lifestyles is not a matter of egoism but of the diversity of individuals’ and groups’ ideas of what constitutes the good life. Even a society composed entirely of altruistic people might differ internally in individual and group concepts of the good and of who is worthy of altruistic attentions and how and why. There is no assumption of selfishness in pluralism.

Pluralism does not presuppose any kind of logical or sociological atomism, meaning the idea that society is ultimately made up of monadic individuals. The idea of plural conceptions of the good life might seem to suggest that individuals (or groups) create their own sense of meaningfulness in isolation from one other. But this is clearly not the case. A sensible pluralism assumes that individuals acquire their preferences, tastes and concerns largely through their interaction with others (Waldron 1993, 163–64). Nor is the pursuit of happiness necessarily something that individuals or groups undertake in isolation from one another. It is highly social.

We do not flourish like mushrooms, suddenly, all at once, without engagement with one another. Rather, our maturation and our maturity require a life with others.... In terms of origin, we are almost always born into a society or community, and it is in some social context or other that we grow and develop.... Our lives are intertwined with others. (Rasmussen and Den Uyl 2005, 81–82)

Furthermore, the presence of groups and communities does not entail that individuals must accept the ideas and ideals of the groups and communities to which they belong.

Finally, pluralism does not presuppose skepticism or relativism, whether about values or knowledge (Rawls 1993 and 2001; Rescher 1993; Waldron 1993; Larmore 1996; Connolly 2005). Pluralism here merely recognizes that people often disagree about the nature of self-realization and that we must learn to live with such disagreement and diversity. This does not mean that there is no right or wrong about differing conceptions or that there are no limits at all to what may be deemed to be permissible. Issues regarding the “good”—the way of life we prefer for ourselves, into which the state must not intrude—can be separated from issues regarding the “right”—the actions that create tangible harm to others and in which the state may intervene—though finding the dividing line can be difficult. In short, the good is agent-relative, but not the right. Pluralistic liberal societies are based on the idea that the state cannot impose any *comprehensive* conception of the good life on the people (Rawls 1993). The state’s task is to (i) defend the right of everyone to pursue the conception of the good life that he or she prefers (without causing harm to others) and (ii) grant to everyone certain basic means to reach differing ends.

A viable ethics for contemporary cities must recognize that such pluralism is an ineradicable fact of our social-spatial world (Moroni 2012 and 2013). The acceptance of (liberal) pluralism excludes certain political positions, such as “communitarianism” and “conservatism,” which tend, in different ways, to undervalue the pervasiveness and impact of de facto pluralism. The same might be said for participatory-communicative theories grounded in consensus-reaching procedures (on this point see chapter 7 by Biale):

A political or social order whose smooth operation requires consensus is simply too brittle and fragile for effective operation in this imperfect world. People are too varied of background, disposition, experience to align their views of important public and social matters in a uniform consilience. Only a system that can function smoothly despite dissensus is theoretically adequate and practically viable. (Rescher 1993, 194)

In the essays below, pluralism is illuminated from various angles and with a host of questions in mind. In chapter 2, Madanipour explores the role of public space in encouraging a diverse and tolerant public culture within pluralistic societies. He examines the various meanings of the concept of “culture” itself and delineates its public and educative roles. The question of education is linked to the prospects of reaching mutual understanding by listening to and engaging in dialogue with others, especially with culturally different, minority members of the population. This is the focus of chapter 3 by Forester and Laws. They ask how spatial planners might best enact street-level democracy in the face of social complexity and pluralism. Pluralism involves majority/minority dynamics and the need to come to terms with the otherness of other groups. And doing justice to otherness depends on properly recognizing their group identity. This topic is central to Chiesa and Rossi’s chapter 8 on Roma and Travelers in Great Britain, whereby close attention is paid to their current circumstances and spatial marginalization. Making things even more complicated is that such group identities are occasionally hybrid identities and sometimes even driven by considerations of marketability to the host culture, as in chapter 9, where Banerjee, Chakravarty and Chan explore the circumstances of the emerging landscapes of transpacific communities in the Los Angeles metropolitan area.

## **Tolerance**

Needless to say, modern cities have been the most intense locus of concentration of diverse individuals and groups with their widely differing ideas about how life should be lived. Moreover, recent trends in the growth of immigration have only dramatized the pluralist and multicultural nature of cities (Rogers 2001; Keith 2005; Syrett and Sepulveda 2012). Multiculturalism is our landscape and environment now (Amin 2004). Plurality and diversity in the city is surely a source of creativity and innovation (Florida 2005, 2007), but, unfortunately, it also brings with it conflicts and contradictions (Kihato et al. 2010). Here is where the crucial question of “tolerance” arises more so than even before (Walzer 1997; Galeotti 2002; McKinnon 2006; Scanlon 2003; Mendus 2009).

Issues of toleration surface in encounters between two or more individuals. Such encounters can arise even where no common physical space is shared (as in cyberspace). Nevertheless, toleration becomes especially pressing in real space where the encounter with the Other is direct. Toler-

tion here has a strong spatial aspect since it occurs in a particular physical place (such as plazas, streets, sidewalks, schools, malls, etc.). It becomes particularly indispensable to examine the question of toleration in its relation with urban space (Chiodelli and Moroni 2014).

When discussing toleration in the urban realm a crucial question is whether we have to consider it as *neutrality* or as *recognition* (or *respect*).<sup>3</sup> In the liberal “neutralist” vision of toleration the idea is that everyone is free to decide his or her lifestyle providing no direct and tangible harm is done to others.

Liberal toleration tries to free people from the burden of their differences by means of ignoring them. So individuals are all made equal citizens: no one is of special importance, no one receives any particular precedence or favour, and no one is publicly excluded because of his or her religion, way of life, manners, or culture. (Galeotti 2002, 116)

This idea of freedom logically implies the idea of equality of individuals before the state: each individual’s or group’s conception of the good has, *prima facie* and defeasibly, the same and equal standing.

If one adopts a “substantive” idea of toleration—for instance, the notion of toleration as *recognition* (Galeotti 2002)—the idea is that certain forms of positive discrimination are called for, namely, direct help for certain minorities in order to ensure that they too can effectively enjoy specific personal liberties.

Toleration as recognition reverses the common practice of neutrality towards differences... Neutrality implies a distant, nondifferentiating public stance on various opinions, values, practices, and lifestyles. By contrast, toleration as recognition implies public concern, positive attention, and consideration for differences. (Ibid., 194)

From this perspective, the question of toleration does not primarily concern *equal liberty*, but *equal terms of inclusion*. “Inclusion here is meant not only in the formal sense of having citizenship rights, but in the substantive sense of enjoying the status of full membership in society” (ibid., 193). In other words, the point is not only to guarantee the freedom of certain forms of expression or behavior, but also to ensure public visibility and participation in the life of the collective.

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<sup>3</sup> For the debate on this issue see, for instance, Lukes 1997, Laborde 2002, Corngold 2005, Shorten 2005, Jones 2006, Tate 2008, Galeotti 2010, Bessone 2013, Ceva and Zuolo 2013, Khomyakov 2013, Rossi 2013, Zuolo 2013, Calder et al. 2014.

The importance of toleration and its shapes and contours in various circumstances and situations is at issue in most, if not all, of the essays that follow. As a normative principle, and in its particular application to spatial matters in pluralist liberal societies, it receives focused discussion in chapters 6 and 7. In chapter 6, Ceva and Zuolo discuss the justification for recognizing the existence of group rights on the basis of a compelling analysis of collective and participatory goods that require public space. In chapter 7, Biale argues for tolerance in pluralistic societies specifically on the grounds of a theory of mutual respect for other persons.

## **Division and Order of Chapters**

This collection is divided into three parts: overarching themes, emerging issues, and case studies/policies.

Part I is devoted to discussion of the most general themes, in particular, social space, cultural pluralism and strategies for achieving greater tolerance among diverse populations.

Part II opens onto further issues such as the distinction between public and private space, the relative function of value of public and private space, the nature of the goods to which individuals and groups have rights and the space required for enjoying such goods as well as the justification and nature of tolerance in a pluralistic world.

Part III contains case studies and discussion of policy questions. The case studies are of Roma and Traveller communities in Wales, transpacific communities in Los Angeles, Roma and homeless communities in the Czech Republic and Jewish and Arab communities in Tel Aviv. Policy issues concern various kinds of planning and regulation of public and semi-private space.

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## **Part I**

# **Overarching Themes**



# Space, Place and Politics<sup>1</sup>

*Cecília Lippai and David Weberman*

## 1. Introduction

What exactly is space? Borrowing from Augustine's famous words about time, one might answer: "If no one asks of me, I know; if I wish to explain it, I know not" (Saint Augustine 2008, bk. 11, ch. 14). People frequently talk about space, without being having an account of what it is. The same goes for political philosophers and theorists who talk about private versus public space and its fair distribution. Do such theorists need an account of space? Space can, it would seem, be easily measured and doled out in purely quantitative terms. Yet fair distribution quickly runs into problems. Space, like other goods, may turn out to involve incommensurables if the value of spaces vary, depending on context and culture. As for public space, what exactly is it? Does it simply denote any space not privately owned or is it something more demanding and more promising? The point of our chapter is to show that political theorists and policy analysts must reflect on questions concerning the very nature and heterogeneity of space. If space is not merely a matter of geometry, but something always experienced in particular ways, what are the parameters of humanly experienced space and what are its possible cultural variations? What and where is public space? Finally, how do different experiences of space bear on real politics?

Our chapter proceeds as follows: In part 2, we define geometric space and contrast it with a different conception of space that we call experiential. In part 3, we argue that an essential component of human space is the idea of place and that neither experiential space nor place can be dismissed as merely "subjective." In parts 4 and 5, we move on to the con-

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<sup>1</sup> The two authors contributed equally to the paper. We are grateful to Stefano Moroni for his comments.

textual and cultural specificity of human space and place and to questions of tolerance and real politics. In part 6, we deal with the problems of properly conceiving public and private space. Part 7 contains some concluding remarks concerning the issues raised in our chapter.

## 2. From Nonexperiential Space to Experiential Space

We begin our discussion of space with what we call nonexperiential space, though the term “nonexperiential” will soon be replaced with a different one. “Nonexperiential” space is space conceived such as to exclude all features of human experience. The problem with expressing this conception in this way is that it only says what space is *not*, not what it *is*. A positive term, however, is not easy to find. One might call nonexperiential space *scientific* space. After all, the idea of space that natural scientists and philosophers have typically studied (before the phenomenological turn discussed below) is nonexperiential in that it aims at universality and objectivity precisely by abstracting from differences in the ways space is experienced. Yet, nonexperiential space is not unique to science. Space conceived nonexperientially also enters into everyday discourse. For example, when comparing two rooms, we might say that the 110 m<sup>2</sup> room is 10% larger than a room that is 100 m<sup>2</sup>, regardless of how the two rooms are experienced. Because nonexperiential space is not unique to science, we should not equate nonexperiential and scientific space or reduce the former to the latter.

Nor should we identify nonexperiential space simply with *physical* space. This will not work because it would suggest that experienced space is *not* physical, but something else (metaphorical, imaginary?). But when space is experienced, it is nothing other than the physical world and physical objects which are the object of such experience. So neither can we say that the opposite of experiential space is *physical* space.

One last candidate deserves consideration and rejection: We cannot call nonexperiential space *objective* space (though this comes closer to the truth). This won't work because it suggests that experienced space is *merely* subjective and refers *solely* to the subject's experience with no purchase at all on extramental or extraexperiential reality. As we will argue, experienced space is not illusory or merely imagined; it is quite real and need not involve a distortion of the way things really are.

So, what positive content does this conception of space have? Here we appeal to the strategy of the nineteenth-century physicist Ernst Mach. He

calls this space *geometric* space and describes it as a field of geometric relations grasped independently of its relation to any knowing, perceiving and experiencing subject. This stands in contrast to what we call experiential and Mach calls physiological space, which is space precisely *as* experienced by one or more subjects (quoted in Malpas 1999, 44).

Geometric space involves such features as volume, distance, shape, all of which are measurable and quantifiable. Certain controversies exist about geometric space, such as whether it is absolute or object-dependent, Euclidean or non-Euclidean, straight or curved. But these scientific and metaphysical questions need not concern us. What is crucial here is that geometric space contains no features dependent on an experiencing subject. This has important consequences. It means that geometric space has no up or down, no left or right, no front or back and no center or periphery. These notions all imply an orientation or point of reference dependent on an experiencing subject.

Geometric space is homogeneous in that any segment can be exchanged for any other and no space has any particular value, since value only exists for a subject. The upshot is that geometric space is a bare, austere conception of space that has little to do with the space we usually experience and live in. Geometric space provides no point of orientation. Nor can it be given one without it becoming that in opposition to which it is defined—something experiential. Orientationless, valueless space is not the kind of space relevant to politics since politics concerns how we live or ought to live and this can only be in experiential space.

Still, in moving from geometric to experiential space, we cannot leave behind all features and aspects of geometric space. For example, experienced space is still measurable in size and shape. But geometric space, on its own, is insufficient for purposes relating to real life. So the move to experiential space must be understood as *incorporating* features of geometric space (such as measurability), while going beyond it. The two notions of space can be complementary rather than exclusive. They are not without common ground. Experiential space is a “thick” notion which includes various features and descriptions. Only by means of abstracting from differences in experience, do we get to the “thin” notion of geometric space. In the order of knowing, geometric space turns out to be grounded in and abstracted from experiential space so that experiential space includes geometric space without being limited to its features.

The idea of experienced space has roots in Aristotle’s notion of place and Kant’s discussion of orientation, but it does not emerge full-blown in philosophy until the early-twentieth-century turn toward “felt experience”

as a valid and important field of inquiry in the work of philosophers such as Bergson, Husserl, Heidegger and Merleau-Ponty. Today, experiential space is a well-recognized notion among philosophers in the phenomenological tradition. Analytic philosophers seem less interested in it and more concerned with abstract notions of space. Outside of philosophy, experiential space is familiar in social sciences, especially in geography since its humanistic turn in the 1970s and in fields such as anthropology, cultural studies, and nonquantitative sociology, where it has become a commonplace that space is something experienced or “constructed.”<sup>2</sup> Still, this idea of experiential space is often absent from discussions in political philosophy—thus prompting the present paper.

What more can be said about the nature and structure of experiential space? Saying much more is difficult because experience varies so much across cultures and history. In fact, one of our central arguments is that the politics of space must pay close attention to different experiences of space and different ways of valuing it. Nevertheless, despite the danger of false generalities, we might start with a certain species-wide, transcultural template. What is universal here are only the categories, not the ways in which these categories are filled in.

1. *The body.* Human beings are attached to physical bodies which are located in physical space. The relation between one’s body and objects in space provides the foundation for our experience of space. This is why Mach calls the opposite of geometric space “physiological” space about which he says the following:

Of cardinal and greatest importance to animals are the *parts of their own body* and their relations to one another.... *Geometric space* embraces only the relations of *physical bodies to one another*, and leaves the animal body in this connection altogether out of account. (Quoted in Malpas 1999, 44)

While we refer to “experiential” not “physiological” space because this space is not solely construed in a bodily manner, Mach is surely right that a (if not, the) fundamental condition and constituent of our experience of space is that we have (or, better, *are*) bodies that are spatially located. Merleau-Ponty, more than his phenomenological predecessors, Husserl and Heidegger, insisted on the crucial role of the body in all human consciousness and experience. In his *Phenomenology of Perception* (1945),

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<sup>2</sup> Leading figures in the humanistic turn in geography include Yi-Fu Tuan and Anne Buttimer.



Merleau-Ponty claims that the living body mediates between thought and world, constituting the mode or way we understand the world in the first place. Christopher Tilley (1994, 16) refers to this as foundational space, meaning here somatic space, or the space in which we ordinarily move and perform habitual actions.

How does the human body structure space? Most basically, a body typically stands upright and “opens up” space in regions specific to a bodily position and its possibility of movement such as front and back, right and left, up and down, vertical and horizontal, here and there, reachable and unreachable, etc., thereby endowing space with a structure through which it is lived and experienced. This structure also gives rise to the experiential division between inside and outside. The more we feel “inside” a place, the more we tend to identify with it and feel it is as ours. “Outside” is often experienced in negative terms, such as separation, alienation and vulnerability. We also estimate distance, location, and possibility from the perspective of the body. Traditional measures of length are typically derived from the human body and its parts.

2. *Agency*. In discussing the body, we have already seen that it is (or we are) essentially something that can move and act. We experience space as the realm in which our willed movements and goal-directed activities can be carried out whether easily, not easily or not at all. Distances too are experienced in terms of how they impinge on our goal-directed activities. We order space according to our capacities for moving and acting.

3. *Intersubjective space*. Since we find ourselves sharing the world with other human beings, we experience space as something that is not only the medium in which my body, movements and actions take place but also the medium in which other bodies move about and undertake actions. In other (Heideggerian-like) words, space is always experienced as a “space-with-others” meaning that we experience space as (i) having others in it and (ii) experienceable by these others. How space is shared—whether harmoniously or not, as a matter of private ownership or not or not—varies, but what cuts across all variations is the experience of space as experienceable by others like us.

These three features of experienced space—body, agency and intersubjectivity—provide nothing more than an unspecific template and a point of departure for the culture-specific accounts of experience discoverable by means of empirical inquiry.

### 3. Place and Space

Before turning to differences in culturally specific experiences of space, we need to bring in the notion of place as central to experiential space and then indicate that experiential space and place do not, as one might think, have only a subjective status and validity.

The concept of place is actually already built into the idea of experiential space since experiential space is rooted in the body which is always somewhere, that is, at some particular point. Space, then, is not encountered from nowhere in particular, but always from a particular somewhere—from some *place*.

What is place? At the very least, it is a particular somewhere. One particular somewhere is here or where my body is now. But there are other places, other particular somewheres, where my body is not and where perhaps no body now is. So while the experience of place presupposes a body, it is not limited to the actual presence of one's body or the body of another person. What more can be said about place? Following a number of thinkers, from Heidegger on, we might say a particular somewhere is not a place until it stands in relation to something or someone that in some sense *belongs* to that particular somewhere. Thus, a tool has its place if it is not just lying around somewhere, but there where it belongs (Heidegger 1986, 102). Yet there is a problem with specifying the nature of place in this way. For it is obvious that we often speak of being in a place even when we do not belong there (say, if I am in a lecture room two floors below where I am supposed to be). But this is still a place, since even if I do not belong there, other people and things at various times do. Might there be places, particular somewheres, to which nothing belongs? Perhaps, there are such places but these would be places no one ever thinks about or bothers with. We might say that such particular somewheres to which nothing belongs are places only in a deficient sense of the term. As such, they need not worry us here.

The idea of belonging is admittedly vague and perhaps it must remain so in light of the possibility that “belonging” means very different things in different cultures. But this much would seem to be true across cultures: a place as a particular somewhere to which people or things belong presupposes a particular background of significance, meaningfulness or mattering that allows for things and people to be picked out and assigned a certain somewhere. That is to say, place makes possible connections between particular whos, whats and wheres. The wheres and whats may be determined by natural features, history or physical proximity. The whos

may depend on any number of practical and social categories, including social position, role, gender, wealth or membership in a group, whether self-designated or determined by others. The wheres are the places that gain their meaning from these whats and whos (as well as from the hows or the rules governing the place-appropriate activities).

At this point, we want to prevent a possible misunderstanding. By defining place as a particular somewhere to which things and persons *belong* in a certain way, we do not mean to suggest a “romantic” conception in which people belong, naturally and eternally, to a particular homeland or that such a homeland belongs to a people. By “belong” we mean a relation far more generic and innocuous. That a place has things and people that belong to it simply means that a place derives its character from a kind of meaningfulness deriving from the things, people and purposes it is assigned, such as when airports are places to which airplanes belong or hospitals places to which doctors, nurses, patients and medical equipment belong. Place also has the special quality of giving a sense of order to a wider region in which the place is located. A place is a center not in the sense of being a measurable midway point, but in the sense of ordering meaningfully the region that surrounds it. Questions about a people’s identification with a place or about property claims build upon such notions of belonging.

The relation between place and experienced space is an intimate one. It is not the case that places are simply incidental points between which are large placeless spaces. Rather, experienced space is always experienced from the point of view of a place or of “placelessness,” defined as the felt absence of place, i.e., the absence of a particular place made meaningful by what or who belongs to it. Place is the experiential prerequisite of all abstract notions of space. We do not arrive at place by pointing to a section of space, but we arrive at space by beginning in a place. Experienced space is always and already rooted in place. As Relph writes in *Place and Placelessness* (1976, 29): “Places are sensed in a chiaroscuro of setting, landscape, ritual, routine, other people, personal experience, care and concern for home and the context of other places.” Relph characterizes placelessness as “the casual eradication of distinctive places and the making of standardized landscapes that results from insensitivity to the significance of place” (ibid., preface).

One last point is crucial here: Experiential space and place should not be understood as a distorted or inaccurate representation—as a mere *subjective* shadow—of what is really real, namely, *objective* geometric space. It is easy to see why one might think so. After all, I might experience

apartment  $a$  as larger than apartment  $b$ , but if the two apartments are measured and  $b$  turns out to be larger than  $a$ , then it is easy to conclude that experienced space has misrepresented the real sizes of the two apartments. This would seem to suggest that experiential space is merely subjective and should count for little.

But this would be a mistake. First, while many features of experiential space and place—such as left and right, above and below, front and back—differ from geometric space in that they refer to a subject, this does not mean they falsify reality. These features accurately describe the way space truly is in relation to a subject or subjects. Such descriptions can be intersubjectively verified. From a particular position  $x$  is to the left of  $y$ , regardless of who stands there.

Second, when experienced space does, in fact, contradict geometric space, as in the example of the relative sizes of apartments, one should not assume it is best to cast aside experienced space. How space is experienced, how it seems rather than how it is, deserves our attention, at least for many purposes. When it comes to choosing an apartment, how large it *feels* is arguably of greater importance than how large it is, since our feeling counts. While geometric size may determine property taxes, for the purposes of living optimally, experiential space may trump geometric space. In the case of politics, experience may count for more than geometry. Perceptions are real not in the sense that they are veridical but in the sense that they are real mental states that determine action. Perceptions and experience constitute social reality.

Third, experienced space can refer to feelings of place and placelessness, coherence or chaos, security or danger. These do not conflict with geometry because geometry cannot impugn categories rooted in the human need to orient oneself. Even if they cannot be intersubjectively verified as easily as left and right or front and back, such experiences may be widely shared by a community, given its way of life and its “construction” of space. As such it should be taken seriously.

In a nutshell, then, experienced space is a real phenomenon, sometimes intersubjectively verifiable and, in any case, with a real causal impact on the way we live. It needs to be at the center of debates dealing with spatial politics and policies.

#### 4. Cultural Differences and the Question of Whose Space

The preceding discussion of experiential space and place has been abstract since it addresses the nature of experiential space as such. We would like now to point to the undeniable fact that large and pervasive differences arise at the cultural level. We cannot possibly inventory, categorize and catalogue these differences. Here we only call attention to the complexities so as to indicate the ways in which such diversity gives rise to the inevitable political question of "Whose space?"

Let us first flag the following question. What accounts for the diversity and heterogeneity of experienced space? What causes such diversity? This is part of a sprawling question about cultural difference of all kinds—to which no definitive answer is likely to be found. Possible answers might range from population genetics and evolutionary selection, the particular level and nature of technological development, the economic relations of production to contingent historical events. These explanatory strategies are not space-specific. Here, though, it is interesting to note that another strategy for explaining cultural differences in experienced space would appeal to spatial causes, that is, to the differences between the physical environments in which different cultures develop. For example, various anthropologists studying tribes in Papua New Guinea such as the Umeda, Kaluli and Foi have arrived at similar conclusions concerning the relationship of physical environments and spatial experience. Each of these tribes lives in dense, unbroken jungle areas, where the visual horizon is limited to several meters. Such a landscape is thought to lead to an "auditory culture" with marked differences in perception, cognition, language and lifestyle from more "visual cultures" (see, for example, Gell 1995).

Closer to home, Tuan has called attention to the particular ways in which our spaces are culturally and valuationally experienced:

Many buildings have clearly demarcated front and back regions. People may work in the same building and yet experience different worlds because their unequal status propels them into different circulatory routes and work areas. Maintenance men and janitors enter through service doors at the back and move along the "guts" of the building, while executives and their secretaries enter by the front door and move through the spacious lobby and well-lit passageways to their brightly furnished offices. (Tuan 1977, 41)

One also finds valuations of the cardinal points that differ culturally. For the Chinese, the east, where the sun rises, is associated with birth, the west, where the sun sets, with death, the south with light, midday, summer

and the north with darkness and winter (Tuan 1973, 414). For the people of central Bali, on the other hand, the beneficial points are the north and the east, because from the north, where there are mountains, they receive “good winds” that help the crops, and because the sun rises from the east. The bad influences come from the west (sunset) and south (where the sea is) (Tuan 1973, 415). In Western societies, cardinal directions continue to carry valuational weight insofar as they correspond to source of light, dryness, warmth and coolness.

Another culturally variant aspect of spatial experience relates to language, more specifically, to the naming of places which in the end is, like much else, tied to questions of power relations, and the inclusion or exclusion of social groups. By naming a certain region, whether in the natural landscape or in the built environment, we create an identity for that place. The act of naming is an act of establishment, differentiation, and investment with meaning and significance. As Tilley puts it, “[p]lace names are of such vital significance because they act so as to transform the sheerly physical and geographical into something that is historically and socially experienced” (1994, 18). By giving a name to a place, a shared space is created as is a community that shares in the experience of that place. In other words, through naming, we create not only place-identities, but social identities and relations of power, occupation and control.

Cultural geographers, anthropologists and ethnographers have long been interested in the relationship between place, culture and identity. In light of the considerable differences and inequalities—in terms of age, gender, social status, economics, etc.—with regard to controlling and shaping the character of a place, such questions as the following arise: Who defines the character of a place? Who can claim a right to do so? What are the values and interests to which people refer to in their understanding of the character of place? How do meanings of place affect attitudes toward change and difference? Who are “the locals” who belong to a place and who do not? Authors such as David Harvey, Doreen Massey and Edward Soja link their conceptions and analyses of place to power struggles, repression and control.

Struggles for the (re)distribution of space are often conflicts between an established community of “locals” and either (i) newcomers (e.g., in conflicts regarding the building of mosques in Western Europe) or (ii) long present but disregarded groups (e.g., Roma people, women, or the homeless). In the first case, the (re)distribution of space raises questions about who the “locals” are and what their connection to or special right is over the places they inhabit. In the second case, the coherence of a “local

community” is questioned from the inside, revealing inequalities that would require the redistribution of public space to allow for the visibility and influence of these previously disregarded members of society.

In the first case, that of newcomers, we must ask whether there ever was an unproblematic link between particular places and particular communities. Denying immigrants public space often relies on more or less explicit assumptions about an original connection between a place and a local community. According to this assumption, a place is a specific location with a settled community that shapes its physical and cultural “look” or character which is threatened by newcomers who are different and whose presence and visibility would inevitably change the traditional feel of public spaces. Shall we accept that there is a “natural” link between people and places giving them more rights than nonlocals, newcomers or nomads? Who are the locals, and how far back must they go in time? Are the current inhabitants of North America the locals or only Native Americans? Are second-generation Turkish immigrants locals in Germany? If not, how many generations does it take to become a “local”? These questions indicate that the notion of a local is often invented in an ad hoc manner with the aim of excluding some group of “others.” Notions of a settled place, continuity and coherence, belonging and rootedness are what often lie behind the localism, nationalism and racism that deny a group’s right to carry out their way of life where they live.

To question further this seemingly unproblematic link between settled place and culture, we must remember that there are people who do not equate place with settledness, namely, nomads, Travellers or New Age travelers. These mobile people do not necessarily lack a sense of place, but interact with place in a sense not based on a settled lifestyle within a bounded territory. Several of the case studies in the Respect project show how disturbing this alternative sense of place is to settled people.<sup>3</sup> The latter view mobile people as “unattached” or “out of place” and dangerously difficult to keep track of and control. Unsettled people are unsettling for “locals” in a way similar to the perception that immigrants are invading the local culture and threatening the rights and privileges of the “inborn.”

This logic of place-bounded identity can manifest itself in subtle ways, even in (questionable) notions of multiculturalism: “Multiculturalism which rests on a notion of cultures as definable and homogenous is inevitably a view from the outside used as a means to understand and control others from a position of power” (Watson 2006, 8). In terms of distri-

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<sup>3</sup> See [www.respect.iusspavia.it/](http://www.respect.iusspavia.it/).

bution of public space, this would only result in a dominant group spatially managing those that it considers “the other.” A further challenge to the common understanding of place and identity is the fact that places are not actually isolated from each other with internal histories and characteristics independent of other places. Places are shaped by multifarious links with each other, even with distant places such as in the relations of imperial centers with colonies.

As for the second type of conflict over public spaces, we should remember that the internal coherence or unity of a place and its community can be questioned from the inside. Especially in an age of globalization and mobility, it may no longer make sense to conceive of human communities as having internal coherence and unity. Moreover, perhaps it never has made sense. Identities of peoples and places have never been pure. Places are always contested. And the contestation of place does not only occur “from the outside.” Talk about the coherence or purity of identity may be nothing more than a mask for internal struggles about whose experience deserves to mark the character of a place. Again there are complicated power relations and differences in terms of age, gender, social status and economic power. To what extent does a city or neighborhood reflect children’s experience and needs? Is women’s experience taken into consideration? Does a place mean and feel the same for men and women? There is a common characterization of a place that is a home as having a link to a mother/woman as an unchanging point of reference from which one sets out. But it has been argued that “this is to deny both the desire of women themselves for mobility and the fact that places change” (Massey 1994, 65). And, of course there are socio-economic differences. How are poor people “present” in a place? How is their experience reflected in the planning of posh city centers or in a city’s image of itself?

Massey has coined the expression “geography of power” to express the inequalities in terms of the mark and visibility that different groups can have in a particular spatial setting: “All individual places—whether trading blocks, or nation-states, or regions or small villages—are each positioned in different relations to that geography” (Massey 1995, 70–71). This means that that in every place the different experiences of different groups of people plays out and plays together on unequal terms, giving every place has its own “geography of power.” This is crucial when it comes to questions of distribution of public space. The future of a place depends on whose experiences, feelings, values, and meanings will prevail and gain visibility.



## 5. Places of Tolerance or Places of Respect

Following the remarks above about the contested nature of places, we can characterize places as rejecting or accepting different points of view. Places of rejection are constructed as uniform, internally coherent and homogenous in terms of people's experience. Differences of various kinds tend to be expelled by maintaining and enforcing strict boundaries within which effective control can be exercised. "Others" are thought of as "outsiders" that threaten the romantic and idealized local character of place by invading or polluting it. Examples of such places are gated communities. They not only exclude outsider-others, but tend to deny and reject internal differences. Mothers who raise children inside gated communities do not have the same experience of the place as their husbands who cross the gates daily in constant touch with outside reality.

There are also places of acceptance which have more fluid boundaries and a character of social or cultural mixture. They are more open places which accept or even embrace diversity and change. Most places fall somewhere between the two extremes of rejection and acceptance. Moreover, even one and the same place can be considered as one or the other depending on which boundaries are taken into consideration. Thus the European Union has become more accepting given the disappearance of internal boundaries but more exclusionary in that the outside boundaries of the EU have become more fixed, thus making it both a place of acceptance and a place of rejection.

How can notions of tolerance and respect be built into the character of a place or taken into consideration in distributing public space? While obviously both tolerance and respect would suggest acceptance as understood above, there are nevertheless possible differences to be noted between places of (mere) tolerance and places of respect. Wendy Brown (2008) has argued that the notion of tolerance often disguises its normative assumptions and is often employed to mask the universalism at the heart of liberalism. Thus tolerance becomes the right of the liberal individual to tolerate others or not and it is conferred by those who do not require or need to be tolerated upon those who do. The built-in assumption is that there are established norms to which some do not conform and must therefore be tolerated (or not). Tolerance thus seems to depend on the power of one group to recognize and include others. It implies power imbalances and assumptions of fixed identities and positions. To base allocation of place on tolerance presupposes separateness and unequal relations between different groups. It implies a majority (and/or a group

holding power) acknowledging the existence, recognizing the difference and tolerating a minority. (No one hears this question posed: Why, how or to what extent should Roma people tolerate middle-class white people?) In terms of place, this relationship would translate into the allocation of a peripheral and more or less closed territory for the minority group. On this model there are no genuine places of contact between differences. The more positive notion of tolerance which includes a wish to integrate may also be laden with questionable presuppositions. The most common one assumes that others ought to accept and conform to established norms and values, offering them a chance to become “like us.” This is rooted in a patronizing disregard of the other and often leads to the reproach that the other does not want to be integrated.

We might do better by basing distribution of place on terms of equal respect. In this context, we take William Connolly’s notion of respect to be relevant: “Respect is the dimension through which self-limits are acknowledged and connections are established across lines of difference” (2002, xxvi). This relationship of respect is equal, dialogical and rests on a positive appreciation of the other’s difference. It entails openness to what the other has to offer. Organizing places in terms of respect would result in less separation and more mutual visibility, not merely in selected areas allowed by the majority. Acknowledging and respecting the presence of others implies organizing public places in a way in which diverse and often contradictory senses of place can become visible. Such public places built on respect allow different people to meet, collide and enter into meaningful dialogues.

Richard Sennett (2000) also argues for the importance of complexity, surprise and disorder in creating places that promote spontaneous meetings with otherness. In order for this to happen, public places need to be multifunctional. This is perhaps best understood by means of places that express a principle contrary to order and fixed function. Consider the significant differences concerning what is considered “allowed” or “appropriate” behavior in public space. Watson quotes several respondents from a 2002 British Mass Observation Survey who list what they would do or not in public. One of the most generally listed inappropriate behaviors was eating in public. Other inappropriate behaviors included dancing, singing, kissing, littering and so on. Now compare this to Hanoi, Vietnam, where the boundaries of public behavior are differently drawn. Eating or washing or caring for children is part of daily street life as are other practices, surprising for us, such as cutting one’s hair (Watson 2006, 166). Respect and openness starts when the structure and organization of public places do not only take one group’s ideas into account.

## 6. The Complications of Public and Private Space—A Brief Excursus

So far we have discussed public space as if it were clear exactly what this but reflection on this notion soon reveals that its scope and meaning is problematic. First of all, the very idea of space here needs to be specified since space is often used metaphorically. Our concern here is with *physical* space but as it is experienced. Thus “cyberspace” does not belong to the present discussion, nor is “public space,” as we are using the term here, equivalent to something like the “public sphere” made famous by Habermas (1999) as “a domain of our social life in which such a thing as public opinion can be formed.” Habermas’ notion of the public sphere is important—perhaps the ideal would be for public space to enable the growth of the public sphere—but the two are not equivalent because public space, in the sense used here, is physical space, not whatever enables the formation of public opinion which may include much that is not limited to public space, such as private residences (the eighteenth-century salons discussed by Habermas). Nor do we mean by public space any space that is experienceable by all persons. As observed in part 1, space is importantly public or intersubjective in this sense, but this is a sense according to which *all* space is public.

By public space we mean to use “public” in a way that does not make *all* space public, but allows for the fact that some experienced physical space is public while other such space is not. The use of public and private space appears in common and in political and legal discourse. Roughly speaking, we know what someone means when they say that the Piazza della Repubblica in Florence is public, but a hotel room or, better yet, an owned flat in the same city is not.

Further questions arise. What about the cafés lining the Piazza della Repubblica. Are they private or public? They are not owned by the public or the state or the city, but by private individuals. Yet they are open to the public, to everyone in fact, and one can remain there a while, if one is willing to pay for the price of a drink. Thus we are led to a threefold distinction that laws and theories recognize between: (i) public space which is not privately owned and is open to all, typically without the need to pay for access; (ii) semi-public space which is privately owned but is nevertheless open to all, though sometimes requiring payment for entry (but not always, since shopping malls do not require payment for entry); and (iii) private space which is privately owned and not open to all, but only to certain individuals designated by the owners. (In the United States, for example, owners of private spaces may discriminate in ways that would

not be allowed in semi-public spaces). Of course, this division into three levels of public and private is a simplification, since there are further distinctions and gradations that can be made.

Notice that the distinctions and gradations concerning the publicness of space are based on certain key questions: (1) Who legally owns the space? (2) Who has access to the space and under what conditions of entry? (3) Can the government regulate activities in that space (such as the treatment of and possible discrimination against certain groups)? There is also a fourth question: (4) What rights and privileges are given to or withheld from persons who have access to the space? For example, even in the most public spaces, publicly owned and open to all, it is often not allowed for those who enter to sleep or eat in the space or to urinate there. The fourth question is important because it allows for ways in which public space might exclude groups or place them at a disadvantage without explicitly naming them as excluded. If a certain activity is not allowed in a public space and this activity is prevalent or popular among a certain group, then that public space becomes less accommodating or available to that group than to other groups.

Finally, there is a question about how robust the notion of public space is or should be. Is public space merely a space to which all have access, that is to say, a space in which all persons may roam? (This seems to be the meaning of the Swedish guarantee that natural spaces are governed by *allemensrätten*.) Or do we expect more from public space than this? We might expect public space to be such as to promote a Habermasian public sphere, i.e., a community of persons who discuss with one another matters of common concern in order to understand better the challenges they face and to reach some sort of consensus. It may be that Hyde Park in London, the Piazza della Repubblica in Florence and Wenceslas Square in Prague have had this public sphere-forming role in a way that Times Square in New York City never has. It may also be that with the advent of new technologies such as radio, television, and the Internet, the Habermasian public sphere is enacted less and less often in open, traditional kinds of public space.

One might also expect that another ingredient in making public space public is its “expressivist” function, i.e., that the public space serves to express the ideals of the community and perhaps to express particular features of member groups (historical, religious, etc.) so as to make all groups feel included and recognized by the wider community. This is what monuments, museums, plaques are all about. How important are such expressive functions and how might they embody ideals of equal respect and tolerance?

These are open questions and they go to show that the meaning of public space is far from settled as is the extent to which public space should embody social and community-enhancing aspirations. Should public space be a space in which equality, respect, tolerance, democracy, liberty, active participation in political matters are expressed and encouraged? Or is it enough that public space is open for all to roam in?

## **7. Concluding Remarks—Space, Respect and Real Politics**

For real politics the upshot of the move from geometric to experiential space must be at least this. To the extent that we want to live in a society that shows equal respect to all members and groups, the distribution of space is a live political issue and equal respect must pay attention not only to geographically equal distribution of space, but equal distribution in a manner that takes into consideration the ways in which space is experienced by different members and groups. In effect, the move from geometric to experiential space means that the idea and the ideal of *equal* respect, where equal is a quantitative term, is, in the end, imperfectly realizable. Equality can only be made sense of as equality with respect to a certain set of goods, needs, opportunities that are not easily measurable and commensurable. So the idea of an equal outcome is only an abstraction, or, at best, an ideal toward which we must aim. Real politics will involve hard decisions, but these decisions should be informed by an appreciation of these incommensurabilities. Spatial issues arise prominently in policies concerning housing, recreation, worship, cultural politics and the cultivation of public space. In all of these, attention to the particular spatial experience of particular cultural and social groups will be crucial.

We end this chapter by identifying some questions relating to the conceptualization of space within the context of research on equal respect:

(i) What is packed into the idea of the “allocation” of space? Is allocation understood strictly in quantitative terms (how much space to whom?) or are qualitative aspects factored in (contiguity, proximity, centrality, etc.)? If some space is allocated as public space, to what extent are the rules of access and use governing public spaces truly culturally neutral and to what extent do they reflect, knowingly or not, culturally parochial norms about proper conduct? What impact does the allocation of private space have on surrounding public space? Is the decision-making process about space allocation just and inclusive?

(ii) Can the respective experienced spaces of various national, ethnic or religious groups be factored into the question of equal respect? How are groups identified and recognized? Are there shared or participatory goods to which groups have a right? In the case of traveling populations such as the Roma, what shall we say about their alleged nomadism or traveling attitudes and behavior? Is this a myth or reality? Is it chosen or imposed? How do or should nonsedentary ways of life impinge on spatial policy making? Furthermore, is the very idea of a nomadic relation to land and space something that unsettles and threatens the majority population? If so, how can this be dealt with?

(iii) Many case studies deal with housing in the context of segregation, ghettoization, gentrification, geographic or urban marginalization. Here numerous questions can be raised. Is there a will to segregate or a will to integrate (or both) among the marginalized population? Is a will to segregate necessarily a marker of intolerance? Is integration or mixing of groups always a good thing? How do economic interests—whether commercial or governmental—affect housing decisions? How are we to evaluate the idea, recently introduced in France, of so-called *villages d'insertion*?

(iv) To what extent must spatiality be understood in terms of visibility? In Germany, a large part of the controversy concerning the construction of mosques has to do not with the amount of space allocated for this purpose, but with the centrality of the space (in the city center) and especially with the mere visibility of the building to be constructed in that space.

The character and characteristics of a place always reflects people's experience and where there are different groups, whose experience is expressed and made visible is not a matter of indifference. We must aim for multidimensional places that are able to express complex diversities of experiences within. We must acknowledge that places are always contested, mixed and interrelated and we must allow this complexity to become visible. A sense of place or the notion of experienced space does not imply a stable, settled, insider, coherent and unitary access to a particular place. To take experience into account when it comes to understanding space or addressing problems of distribution does not mean that there is a specific type of experience that should prevail. No specific type of experience can claim exclusivity over a particular place. On the contrary, we must take as many different experiences and identities into account as possible and treat these experiences as shareable and interactive.

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# Culture and Tolerance in Public Space

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## 1. Introduction

According to UNESCO's Declaration of Principles on Tolerance (1995), "Tolerance is respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human. It is fostered by knowledge, openness, communication, and freedom of thought, conscience and belief. Tolerance is harmony in difference" (UNESCO 1996, 71). The keyword in this definition is *diversity*, and tolerance is the positive attitude that is advocated toward this diversity. It shows the close connections between tolerance, diversity and freedom; by showing tolerance, diversity is free to be expressed and survive, rather than being suppressed and eliminated. Later on in 2001, in the Universal Declaration on Cultural Diversity, UNESCO (2002) reemphasizes the significance of diversity.

What is the role of public space in encouraging a diverse and tolerant public culture? To find an answer, I will initially set aside the complexities of defining space and adopt a broad definition of space as a combination of places and processes, so that I can investigate what a pluralist and tolerant public culture might mean. I will start by analyzing the various meanings of "culture," and try to find out its public dimension and its relations with public space.

The dictionary definitions of *culture* refer to three meanings: products of human endeavor, the process of improvement, and the totality of a way of life. The phrasing of the *Oxford English Dictionary* for these three meanings is: "the arts and other manifestations of human intellectual achievement regarded collectively" and "a refined understanding of this"; "improvement by mental or physical training"; and "the customs, civilization, and achievements of a particular time or people" (Thompson 1996). Each definition needs a closer look.

## 2. Products of Human Endeavor

The word “culture” has a troubled presence in English language discourse. If we look at the websites of some of the major English-language newspapers and television companies, we see how they divide the world into categories. On the BBC website, which shows several ways of categorizing its subject matter, the word “culture” does not appear. Instead, its subjects include entertainment, lifestyle, knowledge, news and sport. On the BBC website, the only mention of “culture” in its A to Z list of subjects is a reference to *The Culture Show*, where amid a swarm of words and images the viewers are invited to share their definition of culture. All of which shows how difficult it is to pin it down. The weblog of the program, nevertheless, refers to itself as “the best of the week’s arts and culture news, covering books, art, film, architecture and more” (BBC 2012).

The same absence of the word is seen in the headlines of the newspaper *The Times* of London, which subdivides the world into news, opinion, business, money, sport, life, arts, puzzles, and papers. The *New York Times* does the same, splitting all of its subjects into a list which does not include culture. A newspaper that does use the word culture in its broad categories, *The Guardian*, covers art and design, books, film, music, classical, stage, kids’ books, TV & radio, games, blogs, videos, and arts network. Another newspaper that also uses the word, *The Telegraph*, splits it into a similar list of ingredients: film, music, art, books, TV and radio, theater, Hay Festival, dance, opera, photography, comedy, pictures, and video. The UK government department that deals with culture lists it alongside media and sport, referring to arts, museums, libraries, tourism and heritage, and their relations with society and economy.

In instances where the word “culture” has been used, it often includes forms of public representation, which refers to what the *Oxford English Dictionary* lists as its first meaning: “the arts and other manifestations of human intellectual achievement regarded collectively” and “a refined understanding of this.” This is indeed the dominant use of the term “culture.” A thriving public culture would therefore mean a proliferation of these cultural products in all their various forms, made available to a wide range of audiences. A tolerant society would allow the freedom of expression needed to produce and share these representations. Diversity is reflected in the variety and range of these expressions, and tolerance is shown toward this diversity in the name of individual freedom of expression. In this case, tolerance, as UNESCO (1996, 71) has recommended, would mean “respect, acceptance and appreciation” of “our forms of ex-

pression.” The role of public space would be the provision of the institutional infrastructure for facilitating the presentation of and access to these cultural products. Such a public space can take various forms—from libraries, theaters, galleries and museum to websites and open spaces of urban streets and other public and semi-public places (Madanipour 2003).

We are, however, confronted by at least three problems: the commercialization of cultural products, the transience of their meaning, and access to public space.

The commercialization of cultural products is a major concern. As Adorno (1991) suggests, the culture industry produces cultural products as commodities without due consideration for their cultural value. In our time, the proliferation of cultural products goes hand in hand with the development of a consumption-based economy. In the promotion of creative or knowledge-based economies, the economic value of cultural activities is the primary consideration in their evaluation (Madanipour 2011a). The economic and environmental perils of consumerism are by now well-known, and so this poses major questions as to whether there is a genuine need for many of the existing cultural products or whether such need is induced through advertising. The commercialization of cultural products is particularly visible in the urban space, where the boundaries between advertising and cultural expression are blurred, using size, color and technology to dominate the space, and turning some public spaces into a mere background for conveying commercial messages. As the British city centers show, the entire city center can become an open air shopping mall with most forms of historic heritage and cultural expression transformed into a spectacle for consumption.

The second problem, which overlaps with the other two, is the role of these cultural products in society. When such representations were scarcer, their role and impact were much more significant, so, for example, a single work of art could have a major social impact. In the context of the proliferation of cultural products, however, consumers treat them as disposable items like any other. Public and private spheres are filled with images, the consumption of which may become a replacement for corporeal experience, an experience that is short-lived and skin-deep (Debord 1994). The visual culture can produce a transient experience of the world, all from a safe distance, which can fill the place of physical exchange, and can change as quickly and frequently as the images can be produced. The multiplicity and transience of representations reduce their value as human endeavors and transform them into a mere symbolic currency in social relations. In other words, it is their exchange and consumption rather than

their meaning that matters. As Bourdieu (1984) argues, the consumption of cultural products is taken as a mark of social status. Longstanding disputes have raged as to what constitutes art and what sorts of intellectual achievements can be considered sufficiently significant to be called culture. The debates about high culture and popular culture appear to have been sidelined by the emergence of new media, although these debates persist to some extent, for example, in controversies about the distinction between the critical and commercial success of a work of art.

The proliferation of cultural products means that they compete for visibility and attention, and so the problem becomes how to regulate and manage access to the places and processes their producers aspire to. While it is expected that public spaces are open and accessible to all, the problem is that too many cultural products compete for too few places in the prime locations within public space. A television company like the BBC, for example, offers such visibility to a cultural product that a presence there is considered to be a mark of success, envied by those who are not given such a place. How does the editorial and critical process deal with these cultural products? What is the basis for their selection? How can they maintain the claim to neutrality? This poses major questions about the aesthetic choices of the gatekeepers, the subjects considered to be of public interest, and the commercial implications of gaining a presence in a public forum. In urban space, this tension is partly seen in the expression of commercial interests. British cities have a highly developed system of signage, controlling shop fronts and billboards as well as street artists, markets and festivals. However, when public local authorities are, by choice or force, following the market logic in deciding what happens in a city's public spaces, the result may become different. Street art, for example, may then be seen as support for retailers, rather than possessing a noncommercial cultural value, influencing the type of activity that is permitted. Public space would then provide the backdrop and the stage for the spectacle as an aid to commercial gains.

While the proliferation of cultural products is a sign of rich cultural activity, their relation to commercial interests, their inability to penetrate the depths of society, and their competition for presence in public space render the relationship between public space and public culture problematic. The limited capacity of the public sphere, in its institutional and spatial forms, means that to find a place, cultural products must pass through many levels of assessment, where commercial considerations and competition for social status frame the process. The capacity of the public sphere has now been massively extended through the Internet. Freedom of ex-

pression for cultural diversity, which UNESCO encourages, may be better served in this way. However, access to this sphere is still unequal, and the cacophony of voices reduces the significance and durability of any impact they may have. Furthermore, physical public spaces are still the places in which tolerant coexistence or violent conflict can occur, which is why it is significant that access to these spaces be facilitated and managed through open and democratic means.

### 3. Process of Improvement

Defining culture as a process of *improvement* refers to its ancient meaning, rooted in the Latin origins of the word. As it is possible to cultivate plants in agriculture, it was thought to be possible to cultivate human beings especially in urban society which formed the foundation for education in science, arts and sport. Public culture, therefore, refers to the different ways in which cultivation is made possible and the role of public space is to provide the support and infrastructure for this process of development.

According to UNESCO (1996, 74), “tolerance is facilitated through direct contacts, communication and education,” which can only exist in an open and inclusive public sphere. Although UNESCO does not mention public space and the public sphere, its declaration relies on the existence of open platforms on which tolerance can be promoted. It is here that “fear and rejection of the unknown” can be replaced by “mutual understanding” made possible “through active interest in the traditions and beliefs of others and the sharing of common ideas” (ibid.). Physical public spaces play an immediate and significant role in facilitating such direct contacts and communication.

This education about other persons and cultures is an integral part of the public sphere. Education is not limited to what is taught at school. It includes the entire range of information and knowledge available in a society. The character of the public sphere is a major indication of the degree of tolerance in a society. Many doubts can be raised about the role of formal education and public culture in what they aim to achieve, what forms of order they want to instill in the population and how they want to establish different types of discipline. But when it comes to comparing tolerant and intolerant systems of public sphere, where some allow freedom of thought and expression to a much larger extent than others, it is clear which ones are more or less progressive, and which do or do not enable or suppress individuals’ or group talents, expectations and needs.

A number of further problems emerge, such as the effectiveness of such cultivation vis-à-vis nature, its role in the socialization of individuals and the overall challenges of social diversity.

One question is whether and how far such cultivation is possible. Since ancient times, systems of education have all been based on the belief in the possibility of improvement. The idea is deeply ingrained in all major religions that aim at linking particular forms of behavior to particular rewards. A new version of this way of thinking was reflected in the socialist attempt at the creation of a new type of human being who could give up greed and work for the good of society. Is it nature or culture that determines our main characteristics? This is a question that has been raging for centuries, and is now revived through advances in genetic research, or various schools of psychotherapy that aim to change behavior through insight and education. As Bourdieu (2000) argues, however, it is not clear how far the characters inscribed on human bodies can be changed in this manner.

The second question concerns the content of this cultivation which is a form of socialization into particular ways of belief and action. Public culture depends on what a society cultivates in its members through education and entertainment. So there are always major controversies about children's education since it shapes the future of society. This is a social process advocating a particular social order, as Raymond Williams (1981) reminds us. As we continue to hear, the purpose of education is sometimes defined in very narrow, functional terms, training the workforce for the needs of an economy's employers. The counterargument interprets education in the broad sense of developing the various capacities of the young to move in different directions. This possibility raises the question of what to improve and toward what end.

The move toward the specialization of professions and disciplines and the debate about what matters most have led to conflicts concerning physical and social improvement. Should improvement mean the improvement of the built environment or the social institutions and processes? This question arose partly in response to a physical determinism that aims at social change via physical transformation.

In eighteenth- and nineteenth-century Europe, architecture—as part of the wider material culture—was understood as a means to improve and embellish towns and cities and to reinforce inhabitants' sense of confidence. The contribution of public space, as a collection of buildings and urban spaces, to the sense of improvement and culture building in this period was considerable. This is a trend that can be seen in later periods as

well, for example, in the modernist movement and its beliefs in the possibility of avoiding revolutions through spatial change. The problem, however, was that this confidence in the role of spatial change could be misplaced, and many optimistic developments of the modernists failed to improve urban conditions. Indeed, many buildings of high cultural value were replaced by alienating, functionalist structures.

In the functionalist frame of mind of the modernists, and in the Marxian analysis of the nineteenth- and twentieth-century socialists, what mattered most for improvement were political and economic issues. Culture was a superstructure that followed the underlying logic of economic production. If any improvement was to be made it was in the social and economic conditions of life, which needed urgent attention. Critics of this analysis argued for the relative autonomy of culture, and how it matters under all circumstances. The argument continues in the form of disputes concerning redistribution or recognition (Fraser and Honneth 2003).

In our time, the belief in the necessity of improvement in public space has gained ground. Many municipalities now invest in their public spaces as part of their investment in the quality of life and in the competitiveness of their city. In doing so, they hope to raise the profile of their city in the real or imagined global competition for visitors and investors in which they engage. One problem with this effort, however, has been a heavy emphasis on central areas and noticeable places at the expense of the rest of the city. In the UK, the campaign for “urban renaissance” (Urban Task Force 1999), initiated and supported by the government, advocated the rebirth of British cities, bringing people and activities back to declining and abandoned urban areas. This campaign was part of a longer process of urban regeneration and revival by addressing deindustrialization and investing in cities as the nodes of a new knowledge society within the global economy (Madanipour 2011a). The urban renaissance and regeneration fueled major property investment in British city centers which favors speculative upmarket residential development as well as retail and entertainment spaces. The development of new public spaces, therefore, occurs in this context of attempts for attracting an elite clientele (Punter 2010). The attention to city centers was successful in some cities in increasing population and economic vitality, but it has also been charged with gentrification and displacement, undermining the existing culture of some areas (Lees and Ley 2008; Madanipour 2011b). Meanwhile, the economic crash of 2008 ended this boom, leaving thousands of empty shops and flats in city centers. As the process was driven by private developers, no similar interest was expressed in the marginal areas and deprived neighborhoods.

Is public culture only reflected in the display windows of the central public spaces? Do marginal public spaces also count as places of public culture, or are they places to be ashamed of, to be hidden from view or to be neglected as unimportant (Madanipour 2010)? Can marginal public spaces be placed at the forefront of public culture, in the manner of previous generations?

This leads to a third question concerning the interface of improvement and the vast diversity that exists in our societies. What are the beliefs that are allowed, what sorts of behavior are praised and what sorts are frowned upon and excluded from public discourse? As Foucault (2002) argues, there is a form of power that is institutionalized in everyday normalcy, concealing a systematic process of ordering. After the decline of belief in universal values, can there be an agreed upon goal for improvement or is it as diverse as the mosaic of different subcultures that make up the urban society? A current debate in the UK is about the role of the faith schools, whereby different religious groups are able to develop a curriculum on the basis of their own beliefs, and controversies about the possible fragmentary impact that this may have on society as a whole.

Through education, UNESCO argues, understanding, solidarity and tolerance can be promoted among individuals as well as among ethnic, social, cultural, religious and linguistic groups and nations. "Education is the most effective means of preventing intolerance. The first step in tolerance education is to teach people what their shared rights and freedoms are, so that they may be respected, and to promote the will to protect those of others" (UNESCO 1996, 72). This belief in the power of education may seem to be too optimistic, especially when stronger forces pull these individuals, groups and nations apart or bring them into conflict with one another. In the politics of identity and tribal battles, individuals take refuge in their culture and kin as a safe haven protecting them from a harsh world. Rather than tolerance toward others, intolerance and hatred thrives in these circumstances. When peace in a society breaks down, people who had learned to live together for centuries suddenly turn on one another, changing their peaceful coexistence into conflict and intolerance, at worst even turning their environments into killing fields. The public spaces of a city such as Sarajevo or Nicosia, which accommodated the copresence of a diverse population, suddenly became places of tribal conflict, split along cultural lines which education has difficulty to cross. For education to work, in other words, a range of other measures is needed to prepare the ground for peaceful coexistence. But belief in education is belief in hope for the future.



The growth of intolerance can be found everywhere around Europe. In France, the far right Front National, which campaigned against immigration and advocated reinstating the death penalty, increased its popularity from 17% of the vote in the presidential election in 2002 to 18% in 2012 (Wilsher 2012). The French revolution was based on the idea of liberty, equality and fraternity. According to the representatives of the people who had gathered in the National Assembly, “the only causes of public misfortunes and the corruption of Governments” were “ignorance, forgetfulness or contempt of the rights of man” (ibid.). However, if the declaration of principles and supporting it through education were enough to abolish ignorance, and if 200-year-old, mature institutions and a vibrant public sphere were enough to prevent forgetfulness and contempt for human rights, would nearly one in five voters prefer an intolerant party? While the significance of the public sphere, and the importance of fighting against ignorance, forgetfulness or contempt for human rights cannot be denied, the causes of intolerance also lie in the changing material conditions in society. These material conditions may be tackled by means of a politics of redistribution alongside a politics of recognition.

In previous generations, the development of urban space was regarded as a way of responding to social problems. Le Corbusier and Ebenezer Howard, whose ideas of towers in the parks and garden cities shaped the cities of the twentieth century, thought that their spatial ideas offered social solutions (Le Corbusier 1987; Howard 1960). Public housing, public services and public parks were all parts of the response. With deindustrialization and the decline of public housing across Europe, and the current austerity measures, however, the prospects of investment in public space and public services are far more limited than before.

Public space, therefore, provides the means with which to socialize the members of a society into a particular set of beliefs and actions, but it faces questions about its efficiency, legitimacy and inclusivity. It can provide the basis for social and spatial improvement, but may have limited impact on deep-seated natural and social differences. Political and cultural public space needs support from a range of other social and economic measures to make peace among warring factions.

#### 4. A Way of Life

The third definition of culture by the *Oxford English Dictionary* refers to “the customs, civilization, and achievements of a particular time or people.” This is the anthropological definition that appeared in the nineteenth century in response to several historic trends that transformed the fabric of modern societies. It is here that the modern idea of the public can be found as a theme that binds many of these trends together, expressed in the narratives of a way of life.

The word “public” is repeated in both “public space” and “public culture.” Inherent in the modern meanings of the term are the ideas of universality and equality, that it is a domain that is equally available to everyone. However, this is not the de facto condition of societies made of diverse peoples and groups with different levels of resources and status. Instead, it is a normative social construct, which shapes behavior and demands to be observed. The public is an amalgamation of a wide range of differences in people, places, and processes, trying to shape these differences into a single universal mold. The differences in publicness of places, social positions of people, and the unevenness of processes show the limitations of making a public out of a multitude. The key challenge for the concept of the public is the actual diversity of society. Public culture is hardly a monolithic construct. By its nature it is a collection of countless pieces and processes, while a myriad of attempts are continually made to link these pieces together in practice or at least in rhetoric.

The idea of the public is closely related to the subject of identity, in particular narrative identity, whereby we discover and determine our identities through the stories that we tell about ourselves (Ricoeur 1992). Public culture becomes the framework for a public identity, the collection of narratives that describe and develop a common way of life. However, it faces challenges at three levels: individual, group and national. Tolerance, pluralism and diversity may be analyzed, and according to the UNESCO, promoted, at these three overlapping levels of individuals, groups and states. What should be the character of the public culture? Different political theories seem to advocate different solutions.

Under the conditions of increased diversity that characterize the rise of modern urban societies, there seems always to be a need for binding devices: the development of the nation-state that aims at constructing single political entities from a multitude of parts; the emergence of manufacturing industries that bring large numbers of people from various provinces into growing, stratified cities; the growth of individualism in which

first-person consciousness becomes the basis for new ways of living; the romantic movement based on holistic expressive concepts; and the pressures for democratization that lead to the development of a conception of a collective that can be integrated. Nationalist theory advocates a single national culture which unifies a society, but it can also undermine social diversity. The excesses of nationalism show how public culture can be held hostage to a narrow view of a way of life. Internationalist discourses, from imperialist to solidarity-based, have tried to overcome this narrow view. In our time, European integration has been a peaceful process of supranational collaboration, aspiring for an identity that binds cultural differences. This is why Umberto Eco argues that in Europe, “culture is our sole identity” (Riotta 2012), as a binding process that relies on shared history and geography and the stories we tell about these shared experiences. However, a European public space that can facilitate this common awareness does not yet exist.

At the individual level, diversity would mean individual diversity, and tolerance the attitude of accepting others as unique individuals. States, groups and individuals are expected to treat human beings in their uniqueness, as Kant had advocated, as ends in themselves. This is the traditional principle of liberty which has been articulated in various ways. In the Declaration of Human and Civic Rights issued on 26 August 1789 by the French National Assembly, “Men are born and remain free and equal in rights” (Constitutional Council 2012). Two centuries later, the United Nations’ Universal Declaration of Human Rights reiterated this principle: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood” (UN 2012).

The only limit on liberty is harm to others. According to the French revolutionaries, “Liberty consists in being able to do anything that does not harm others: thus, the exercise of the natural rights of every man has no bounds other than those that ensure to the other members of society the enjoyment of these same rights” (Constitutional Council 2012). The principle, however, goes beyond mutual respect among human beings; it is a framework for limiting the power of the state over the lives of individuals. As reiterated by John Stuart Mill (1985, 59), civil or social liberty addresses the nature and limits of power that society legitimately exerts over its members. The tyranny of the majority is not acceptable and it is only “to prevent harm to others,” that power can be “rightfully exercised over any member of a civilized community, against his will” (Mill 1985, 68).

The principle of individual liberty is now widely incorporated in modern politics and culture. There are, however, continuous controversies between different forms of liberty, which may draw the lines between different ideologies and political tendencies within democratic societies. Social, political and economic freedoms lead to different forms of ideas and practices, with different ideologies and implications for the rights of individuals. Tolerance for economic freedom is the hallmark of libertarians and right-wing politicians, who argue against any limits to personal accumulation of wealth. Their left-wing opponents, however, wish to limit those economic liberties, arguing for a better distribution of resources. Tolerance for social differences, meanwhile, is shared by liberals, who may have right- or left-wing ideologies in opposition to social conservatives who emphasize the importance of traditional values and wish to limit social freedoms that they see as excessive. All shades of opinion, at least in democracies, have agreed on political freedoms, such as the freedom of expression, right to peaceful protest and universal suffrage. Therefore, tolerance toward different forms of freedoms, and the shapes of diversity that it creates, is not equally embraced by all shades of opinion and interest.

Controversies are exacerbated when the debate is about cultural liberties and group rights. The idea of pluralism among individuals has been broadly accepted, but extending this notion to groups has been more difficult. The first article of UNESCO's declaration on cultural diversity asserts cultural diversity to be "embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind." It is "the common heritage of humanity" and is "as necessary for humankind as biodiversity is for nature" (UNESCO 2002, 62). While acknowledging cultural diversity at the state and international level is not controversial, accepting it within the boundaries of nation-states is not easily settled. So, it is not at the individual or state level that controversy and concern is at its highest, but at the level of cultural groups that exist as distinctive minorities within urban and national societies.

The main problem, as formulated by John Rawls (2005, xxxvii), is the possible existence of "a just and stable society of free and equal individuals who remain profoundly divided by reasonable religious, philosophical, and moral doctrines." His answer is a political liberalism that largely revolves around tolerance practiced by adherents of different "reasonable" creeds. "Political liberalism assumes that, for political purposes, a plurality of reasonable yet incompatible comprehensive doctrines is the normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime" (Rawls 2005, xvi).

For some, advocating tolerance toward groups and their identities and rights is at odds with egalitarian liberal thought, which has historically been based on the concept of equal individuals forming a democratic and homogenous state. According to Barry, following Mill (Barry 2001, ix), a politics of difference undermines the egalitarian principles of the Enlightenment, as well as undermining “the politics of redistribution” (Barry 2001, 8). As he puts it, “As far as most culturally distinctive groups are concerned, a framework of egalitarian liberal laws leaves them free to pursue their ends either individually or in association with one another” (Barry 2001, 317).

Communitarian thinkers have tried to reconcile the individual and group rights by envisaging society as a collection of communities (Etzioni 1995; Taylor 1995). But others have argued that closed systems need to be opened up to scrutiny without which they cannot be democratic (Habermas 1989). The problem is not easily solved, as cultures are sometimes seen as closed systems, reproducing ideas and beliefs that may be at odds with the principles of tolerance. When groups start to come into conflict with one another and disregard each other’s right to be different, then tension between individual and group rights become more pronounced. Mutual recognition (Honneth 1995; Ricoeur 2005) may apply at the individual level, but at the group level, it may be much more challenging, as the politics of identity is more difficult to regulate (Rawls 2005; Barry 2000).

## **5. Tolerance as an Active Attitude**

In common usage, the word itself has some negative connotations: when you tolerate something or someone, you just put up with them, rather than respect them. You may accept their presence somewhere in society, but you do not welcome them with open arms, or at least you are not expected to have anything to do with them. Tolerance, however, the UNESCO (1996, 74) argues, “is neither indifference nor concession nor condescension; it is openness, respect, solidarity and acceptance of our diversity as human beings.” Rather than a passive stance, it is “an active attitude prompted by recognition of the universal human rights and fundamental freedoms of others” (UNESCO 1996, 71). It is a form of responsibility: “the responsibility that upholds human rights, pluralism (including cultural pluralism), democracy and the rule of law” (ibid.). There is a responsibility for individuals, groups and states to promote tolerance which means rejecting

dogmatism and absolutism and affirming the values and standards set out by the international human rights institutions.

In such discourse, tolerance is the attitude expected to be shown by the majority and its political manifestation, the state, toward a minority. Debates revolve around the conditions under which tolerance is or should be shown toward different forms of behavior by people considered to be outside the mainstream or in some sense subordinate. The implicit assumption is that those thought to be strong or mainstream do not need to be shown tolerance, unless they deviate or are weakened. It is indeed an age-old ethical principle, according to which the strong are encouraged to show tolerance toward the weak. It is a principle embedded in many religions and social codes of behavior and a standard against which the powerful are judged.

The evaluation of the relationship between the weak and the strong in favor of the weak, however, is brought under scrutiny by Nietzsche, who questions the foundation of religious morality, calling for the “revaluation of all values” (Nietzsche 2007, 88). He interprets this morality as the resentment and revenge of the weak against the strong by celebrating weaknesses rather than strengths and preferring a slave morality to an aristocratic one. This, however, would be a basis for intolerance: “While all noble morality grows from a triumphant affirmation of itself, slave morality from the outset says no to an ‘outside’, to an ‘other’, to a ‘non-self’” (Nietzsche 1996, 22). In other words, intolerance grows out of weakness, rather than strength.

Developing the possibility of peaceful coexistence for diverse and transient populations with multiple identities in modern cities is a major challenge in need of complex physical and institutional arrangements. Such arrangements may lead to a disengaged copresence based on a functional division of labor and consumption of goods and services which could be fragmentary, alienating, unjust, and, if combined with a high level of social inequality, potentially explosive. They may alternatively prepare the ground for social engagement on a democratic basis, in which tolerance finds a positive character through mutual respect, and may nurture the possibility of adaptive transformation for all parties. This would have to rely partly on the development of an active public sphere, as the open material and institutional infrastructure through which narrative identities are explored, social recognition is facilitated, and active involvement is encouraged. Such an infrastructure may help the development of a civil society that is more than the sum of its parts, where economic innovation, political participation, and shared cultural narratives become possible.

Public space can make considerable contributions to tolerance and pluralism by allowing different individuals and groups to become aware of themselves and others, and thrive together in the same place, rather than live in separation and alienation from one another. The spatial organization of modern cities has been based on fragmentation and dispersion along social and economic lines. Before suburbanization by motor cars and railways, copresence in public spaces in compact pedestrian cities was an integral part of life. As cities have grown and diversity and inequality intensified (OECD 2008), a fragmented social geography has emerged in which the desire for and the possibility of copresence by different groups has receded. Public space, as a place and a means of bringing strangers together, offers the chance of strengthening copresence and facilitating active engagement. Spatial arrangements cannot weave the society back together and spatial determinism of the sort believed in by the modernists is simplistic, as the history of the twentieth century testifies. Nevertheless, the physical copresence of strangers is an essential part of living in the same society (Wirth 1964), facilitating the chance for people to experience the world with others (Arendt 1998). The history of public space shows it to be an integral part of collective processes. Familiarity with others through the medium of information and communication technology can be a positive step, but these inherently libertarian technologies cannot replace the experience of being physically close to strangers, which is primarily possible in public spaces and engagement in collective processes which is best realized through spatial copresence.

However, two important limitations need to be recognized: First, intolerance can have roots in the material conditions of society which need to be addressed. No amount of contact, information and debate can address real grievances that may have been caused by injustice. Second, public space is a part of the public sphere, so the impact of spatial arrangements is limited to a range of possibilities. No amount of passive copresence on its own can be sufficient for addressing deep-seated disagreements and conflicts. Rather than an end in itself, copresence is a first step toward promoting peaceful coexistence which requires active engagement on many levels and at many fronts.

Nowhere is more culturally diverse and in need of tolerance than the poor neighborhoods of large cities. In these areas, either as a result of market forces or through public policy, vulnerable groups and disadvantaged people from different parts of the world have come together, creating a highly diverse place. When the size of a particular group or type of activity grows, a process of clustering occurs, so, for example, there will

be a Chinatown or a commercial district. But many smaller groups and activities are clustered together in particular parts of the city, as they do not have the critical mass to form a distinctive cluster on their own. The public spaces of these neighborhoods are places of conflict as well places in which new alliances and identities are forged.

But is tolerance a way of accepting unjust differences? There are advantages that some groups keep in society, and tolerating them may mean letting them go unchallenged, accepting an unfair settlement in the name of keeping social peace. Peace is kept, but the cost has been the continued subservience of the disadvantaged. The critical approach, however, challenges this acceptance. If the critical attitude reveals the shortcomings of science and philosophy, turning age-old beliefs upside down leads to a demand for a new social contract in which the old privileges were revisited in the light of new circumstances. But challenge can be peaceful and persuasive, rather than violent and explosive, achieving tolerance alongside necessary change.

In all this, an Enlightenment idea of critique, in which the customs of the past are and should be open to criticism, comes into conflict with adherence to cultural affiliations. Modern science and philosophy are based on the idea of questioning the past and its reliance on the authority of customs rather than on rational thinking. Descartes “was convinced that our beliefs are based much more on custom and example than on any certain knowledge” (Descartes 1968, 39). However, he argued, “the assent of many voices is not a valid proof for truths which are rather difficult to discover, because they are much more likely to be found by one single man than by a whole people” (ibid.). We have inherited the beliefs and practices of the past which make up various cultures, but they are not enough to provide us with certainty about the world.

Truths found by individuals, however, need to be confirmed by others. It is not even possible, as Wittgenstein argued, to arrive at any such truths without the aid of public discourse. In his famous manifesto, Kant (1995, 1) defines the Enlightenment as “man’s release from his self-incurred tutelage. Tutelage is man’s inability to make use of his understanding without direction from another.” What was needed for this Enlightenment, he argued, was nothing but freedom: “It is the freedom to make public use of one’s reason at every point” (Kant 1995, 2). Such freedoms turn communities into societies (Tönnies 1957). As culture becomes the basis for social analysis (Bourdieu 2000), the old divides between classes are replaced by divisions between group identities (Mouffe 2005). As corporatism comes under criticism for being too cozy



with capitalism, agonism questions the possibility and the desirability of tolerance.

Individual diversity was recognized early on and reflected in liberal arguments for liberty, as best exemplified in John Stuart Mill (1985). The big debate now, however, is about the recognition of cultural groups and their role in politics and public culture, as evidenced in the debate between Will Kymlicka (1995) and Brian Barry (2000). Liberal theory advocates a public culture of individuals free to develop and express individual identities. But here the context in which the individuals carry out their lives seems to be ignored since individual choices are always shaped by their social surroundings. Communitarian theory advocates a public culture embracing the multitude of communities that make up society (Taylor 1995). But here the problem is the fragmentation of society along cultural lines.

Some argue that diverse tribes can help regenerate society after the follies of universalism (Maffesoli 1996), but questions have arisen when this tribalism is seen to challenge the nationally sanctioned narratives of identity. Can religious minorities claim to be subject to separate rules and rights? The politics of identity is based on cultural differences, but this politics can exaggerate and essentialize these differences, creating rigidities from which their members cannot escape. A parallel debate at the other end of the spectrum is about the role of organized economic actors such as business corporations: can the presence of players so powerful and multinational that they are larger than some nation-states and easily move around the world be subject to democratic controls and public cultures? In a public space, where large players can easily dwarf smaller ones, how can we think about the diversity of actors and the possibility of expressive freedom and mutual recognition? In a competition between these actors for the prime locations in the public sphere, what considerations should be taken into account? How should the tension be managed between the instrumental use of public space to promote the commercial value of cultural products and the efforts of individuals and groups for the freedom to express themselves and the possibility of being heard and recognized for who they are?

A narrow interpretation of culture as a way of life may lead to the development of elite enclaves disconnected from the rest of society, legitimating gentrification and elitism. Privatized public spaces and gated neighborhoods are the spatial manifestations of this supposed defense of a way of life. Heavy reliance on culture as products, meanwhile, fuels consumerism and superficial deployment of diversity, ending in a society of

spectacle in which public space is merely a backdrop. A wider and more inclusive interpretation of culture as a way of life, however, would recognize diversity as an inherent feature of urban society and seeks ways in which this diversity can be mutually beneficial. In spatial and institutional terms, this would lead to the development and expansion of a public sphere in which different ideas, practices and groups can learn from one another. Rather than elite or functionalist enclaves, the energized and empowered public realm would be inclusive of a wide range of ideas and practices allowing for the development of local distinctiveness as the outcome of interaction among culturally diverse populations. Pressure for homogenization, which is a consequence of globalization, would be offset in this way by local democratic compositions with their unique social and economic features. In response to the nineteenth-century economic *laissez-faire* and social diversity which accompanied the phenomenal growth of cities in Europe, many public institutions were developed, while a long line of thinkers from Hegel on have stressed the significance of recognition as a social force (Ricoeur 2005; Honneth 1995; Taylor 1994) made possible by public institutions offering opportunities for new ideas and practices, a lesson we may need to relearn today.

## **6. Conclusion**

A short answer to the question about the role of public space in a tolerant and pluralist public life would be: Public space is a constituent part of public culture; its social and spatial infrastructure enables the construction and display of meaning in the public domain. Public space provides the range of places and processes that partly constitute and support public culture. Public space can support all three dimensions of public culture: it can facilitate the presentation and reception of cultural products, support the cultivation and improvement of society, and enrich a way of life. Public space can contribute to pluralism and tolerance by facilitating what UNESCO considers the pathway to tolerance: direct contact, communication and education. It offers the possibility of copresence in a context marked by centrifugal forces, helping the development of institutional and cultural infrastructures of sociability and coexistence. As we have seen, however, there are many challenges to this apparently simple formulation. Depending on how we define culture, our answers and our problems will be different, even though they are ultimately related to one another, all facing the challenge of social diversity and the instrumental use of space

based on a wider interpretation of culture. It is a significant space, not as a display window for consumer products, but as a forum for self-expression, discovery and mutual recognition. As a mediating infrastructure for large, impersonal social encounters, public space can help support a public culture that enhances social relations not by creating an elitist place that excludes diversity and alterity, but by means of an open forum for a pluralist public culture. For a pluralist public space to exist, tolerance as an active stance is imperative as is the awareness of the limitations of the public sphere in complex social processes.

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# **Pluralism and Failures of Recognition: On Listening, Loss, and Change**

*John Forester and David Laws*

## **1. Introduction**

In this chapter we explore how spatial planners might respond for better or worse to the challenges of diversity and difference, of social and political pluralism, that they encounter in their practical work. In part 2 we begin by briefly characterizing the problems at hand: how might spatial planners have to enact street-level democracy in the face of social complexity and pluralism? We then explore at greater length a richly instructive story about the interactions among a Dutch school's staff and the Muslim immigrant families whose children attend the school. We then build upon this analysis and bring it to a close in part 3 by drawing lessons regarding change, disruption, loss and mourning—issues that often arise in spatial planning.

## **2. Street-Level Democracy in the Face of Pluralism**

In cities we experience plurality and difference—in class and culture, between newcomers and old-timers—directly and frequently. Sometimes our experience with these differences develops in the context of local demands and conflicts: “Improve the business climate!,” “Provide better housing and social services!,” “Lower transportation costs,” “Attract more employers!” and so on. Social, economic and legal pressures can shape who can live where, invest here, find open space there or develop there. So, for example, we hear, “Good fences make good neighbors,” or “I wouldn't go there,” or “Don't change the character of the neighborhood,” or “It's a heavily immigrant neighborhood,” or “Local regulations forbid that use of the property.” A diverse family of practical strategies

work by dividing space, staking boundaries, marking zones and districts that might even vary over time. So the conflict between the merchants at an urban street market and the residents who need to park their cars may never develop if the market comes just once a week.

More difficult cases involve spaces like central squares, dense mixed-use districts, school areas, and small parks that users share in a direct and substantial way. Such spaces are layered with the meanings that different groups give them: with memories and hopes and often with fears and aspirations, too. In these spaces, neighbors and customers and other users might deal with their particular diversity selectively, even as they bring to the surface deep differences in claims about what is appropriate, legitimate, desirable, and valuable to do in this shopping area or that park, what should be respected in this neighborhood or accepted in that public space. These spaces will often involve “planning” or “regulation”: they will be shaped and governed institutionally through the work of planners, public officials and consulting professionals who must consider carefully local customs and traditions, cultural legacies or innovative possibilities.

In our evolving neighborhoods, as housing stocks change and new residents move in and others move out, perhaps as immigrants come in and others leave, we see all round us and next door and as we come and go, cultural and economic, social and political differences in styles of living and congregating and worshipping, styles of using space and taking place. This means, inevitably, recognizing or dismissing, attending sensitively or brusquely to what defines or constitutes or marks one of us as an expat, another as a Moroccan, another as a Turk, and another perhaps as Old Dutch.

Neighborhood schools, for example, often reflect and even crystallize the challenges of living together. They involve a present moment poignantly hinged between inherited customs and traditions and practical hopes for a future potentially transformed by political respect, social development and economic welfare. Our schools bring encompassing institutions—from cultural styles and fashions to family and religious practices—into play in a thick way as students face new expectations and regulations.

### **3. Spatial Planning in Shared Physical Spaces: Henri Kardaun's Education in an Islamic School**

Schools provide rules, standards and categories for almost everything. These regulations are often in flux themselves, stretched and strained by experience “on the ground” and by changing views outside the school’s

walls. As sites of diversity and pluralism, for example, schools inevitably engage various groups' readings of history by bringing selective memories into play, honoring these or those values and aspirations, and so on. In liberal democratic settings, they provide spaces that represent a working agreement of citizens upon what children should learn and how they should be taught. So disagreements in schools, as in other public spaces, have a directly political character.

We can hardly avoid the differences that we encounter, but saying that is surely the easy part. We have a great deal to learn about dealing with our real differences, as so many controversies involving immigration, for example, suggest. We need to learn more about how complex differences can present themselves in challenging ways and as a result, then, how skillful, sensitive, even wise community members—including, but not just, professional planners or teachers or administrators—can respond in the face of the pluralism of everyday life.

To explore these questions, we turn to a story—set in a Dutch school near Amsterdam—that provides a window through which we can examine the difficulties and the opportunities for dealing perceptively and wisely with complex, historically rooted, deeply felt, and practically pressing social, cultural, and even religious differences. We examine here a short account provided by Henri Kardaun, who has worked for many years in Holland near Amsterdam in and out of local government settings involving community welfare and social issues.<sup>1</sup> Kardaun emphasizes the active, even catalytic, quality of difference and the broader challenges that significant differences, here in the background, brought into play at the school. He begins,

I was the director of an Islamic school in Osdorp, Amsterdam. I'm not Muslim, [but] I was asked to work there. When I worked there, I met a lot of immigrants who had had a very, very difficult time here in Holland with integration and in trying to provide opportunities for the education of their young children.

Education emphasizes the future and the demands it creates in the present; it also brings professional routines, expectations, and commitments into play. Kardaun went on,

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<sup>1</sup> John Forester interviewed Henri Kardaun at his home near Osdorp, Holland, on 9 March 2009, with Len Duvekot. Thanks to Julianne Chen for transcribing the interview. John Forester then edited and with David Laws produced the profile of Kardaun's work, "There's Always a Way Out—and Finding It Together: A Profile of Henri Kardaun," that appear in Laws and Forester 2015. Our thanks as well to Eva Birk and Courtney Knapp for suggestions and editorial assistance with this chapter.

They asked me if I could help their kids to [increase their chances of having success] in society, and my goal was to show that children in a black school could perform as well as white children—it must be possible that a black school is as good as a white school. I worked there for five years, and we succeeded. And with that success, the local government in Osdorp asked me to come work for them, to help in the professional setting of welfare and education, social work and so on, to create a program where the professionals could come together and work together in the family settings, to make it possible for the professionals to come out of their “tubes”—because every professional works in a tube.

This created demands for improvisation, for efforts that tried to become aware enough of these “tubes” to push beyond them to respond to the unique, concrete details and pressing demands of specific on-the-job experiences. In Kardaun’s story, initiatives to move outside the “tubes” are common, but also falter:

I saw that people like to work out of the box, they want to work out of this tunnel—they want to, but they can’t, because it’s organized this way. So for me, this was an opportunity when I could develop a concept of thinking where it was legal to work outside of this tube—to give families a big chance to do better than only working in such a narrow way.

Kardaun’s story cautions us, then, about the dangers of having our vision narrowed by the specialized “tubes” in which we have to work. He warns us against seeing too clearly one part of a complex issue and then jumping too quickly and strongly to a presumptively rational solution in an effort to preempt or regulate the differences and conflicts that might arise in the slice of the spaces we share. As we shall see, local conflict can push us to ask how often we presume narrow and literally short-sighted solutions in such circumstances and how we might *do better*. Kardaun continued,

For example, let’s say we have a child in primary school and there is a conflict between the parents and the school. And the conflict has to do with the fact that the parents don’t give the school money for holiday trips. They say, “My child is Muslim, and I don’t want my child to go on the school holiday—because boys and girls have to sleep separately, and they [should] swim separately, and so be separate, separate, separate, because of the Muslim ideology—and in your school, boys and girls go together, and we don’t want to do this.”

The clash over the financing of field trips has arisen, it seems, along lines of religious differences; together, these two strands become a “conflict,” and not just a little one.

So what you saw was a huge conflict between parents and school, and the school said, “Well, these parents, they are terrorists.” They said, “They don’t want to talk with us,



they don't want to come to the school, they don't talk about the schools with the child, they're not interested, they're not this, they're not that, they're..." But the school said, "Oh, okay, you're a Muslim, so that's the reason why you're not sending your child with us on holiday." But this had nothing to do with the reality—it's only a way of tackling the problem.

So in the school setting here, difference translated into (apparent) disagreement about how to practically draw boundaries to manage differences in identities. Parents from orthodox religious backgrounds—believing that it was essential that young men and women be separated for many activities—pushed for dividing the groups. Their more liberal counterparts may have seen this as not only unnecessary, but undesirable. Individuals and groups may disagree vigorously about what physical separation communicates and about how conflicts over issues like this should be handled.

The demand that children in the Netherlands learn to swim and pass a swimming test at school is a practical requirement, in a country crisscrossed by water, which creates rules that in turn create the need to share particular spaces—here, swimming pools. This demand for sharing can lead, we see, to disputes over what it means for all concerned to share these spaces safely, bringing to the surface customary differences that may have long been dormant. Here we can see how the practical demands of sharing space can move quickly, immediately, and unexpectedly to deeper ("religious?") distinctions that seem to pit identities against each other. While other school staff jumped into the apparent depth of the conflict, which made it extremely difficult to resolve, Kardaun interrupted this reflex and examined the situation a bit more concretely and in a bit more depth. He tells us,

So then, this looks like a conflict, but it's not. Afterwards, I found out it wasn't a conflict about this ideology, about the religion—it was a conflict about money. The parents have very big debts—very, very big debts—and they don't have the money to pay, so they say, "I don't pay because of my religion..." So they looked for an argument so that they wouldn't need to pay for the school holiday—but in fact, there was a very big problem with the family—there was no money! But the only thing was that the parents were ashamed that they had no money, and because they had no money, they didn't want to say that to the school, so instead they said, "Oh no, this is not good for my child, it's better to raise my daughter separate from boys." But that was not the fact, and when I talked to the parents and I saw what was happening, then we could handle this on another level, and we could tackle this problem.

Thus to Kardaun, the divisive factor was the school staff's expectations and their rush to interpret the case in terms of differences in cultural and

religious backgrounds. This contributed more to the conflict than the need to share space at the school and it stood in the way of understanding what was, in fact, setting the boundary—the school's financial expectations. Of all the work of framing differences or drawing boundaries in this episode, the way that financial expectations bounded experience was the most vexing, the boundary that contributed most to the controversy. This was, in no small part, because of the double way in which it was masked by the parties' reactions. The parents would rather claim religious differences than admit poverty and the school officials were all too willing to accept this explanation and build on it with further attributions. Kardaun continued,

I saw examples like these, too, when I worked for the local government, but I know about conflicts like that because I was the principal of the school, so that's only an example. It's every day that we see this problem with the Muslim children here in Amsterdam. It's a very, very big problem. And always, when I talked to these parents, when I was the principal of the school, I expected this, but because of my position in the school, [it was hard to learn about these problems] because I was not one of them, I was part of the school. That was difficult.... But this was an example of the limited vision and limited attention of the professionals, that the school saw only a problem of the parents not sending their children on the holiday, but the real problem was this other problem that nobody saw. So, I was looking for a way to make it legal, to make it regular for people to think outside of that narrow boundary.

Kardaun's story is deceptively simple in retrospect. Misplaced expectations lead to a misreading of the situation. Errors become actions that threaten peace and harmony. Our central character, the school principal Kardaun, catches the error just in time to interrupt the unfolding tragedy of errors and restore balance. This is, most likely though, too simplistic a summary of Kardaun's account of the challenges and opportunities faced by practitioners confronted with space, planning, and pluralism.

The less simplistic challenge that Kardaun faced becomes more clear when we consider the more complex scenario in which the professionals' too literal reading of the parents' responses gets expressed in actions that in turn trigger further defensive action from the parents. A religious conflict emerges initially as early statements of commitments to positions and justifications ("separate, separate, separate!") gain weight in the interplay of action and reaction. Soon, though, it is difficult to sort anything out as communication declines, as group references substitute for observation and probing, and as each round of action responds to prior events in a manner that evokes an ever-harder response.

The way Kardaun managed, within a setting that makes such escalation all too probable, bears closer attention. It began with his sense of himself.

He tells us that he was the director of an Islamic school (a boundary), but he says, he wasn't Muslim himself. This immediately puts him both inside the situation and outside it. How did he navigate this complexity? How did he face and work with, if not direct, the Others who were Muslim? And, of course, how did the Muslim students and their families manage to deal with the Otherness that was Kardaun in the intense demands for sharing created by the school?

Notice where Kardaun himself begins. After telling us, "I'm not a Muslim, but I was asked to work there," he doesn't go on to tell us about his ideas about education or about being a principal. He also doesn't move to the demands of institutional categories and routines or to abstract statements of his goals. Instead he tells us about small concrete encounters: "I met a lot of immigrants who had a very, very difficult time here."

We see how he takes, and asks us to take, seriously and empathetically, the perspectives of the parents and children, the colleagues with whom he shared the space and had to work. What is at the core of doing this work are not test scores or levels or subject expertise or remedial or disciplinary "problems." Instead, Kardaun directs us to the people he met, to what he learned about their recent history as "immigrants," their felt experience of having had a "very, very difficult time." His emphasis, "very, very difficult" demands that we, as listeners and readers, understand that he isn't using adjectives loosely: he's serious and he's demanding that we too respect the immigrants' situation.

Kardaun then shifts from this appreciation of the concrete details of history and experience, back to the situation at the school: "my goal was to show that children in a black school could perform as well as white children—it must be possible that a black school is as good as a white school." Kardaun sees that these expectations—presupposing that white schools will outperform black schools—are corrosive and can create the very conditions of discouragement and accommodation that can make these assumptions self-fulfilling and so perpetuate them.

So Kardaun sees the connection between two unspoken pressures on the school's performance: the lowered expectations setting the stage on which the school staff seem destined to perform (can black schools perform as well as white schools, given the conditions in the Dutch system?) and the financial difficulties of the immigrant parents, difficulties they are not happy to reveal. Kardaun's recognition of these two hidden or unspoken issues leads directly to his concern that the school's professionals need to "come out of their tubes"—to pay attention to broader issues than they commonly do.

At stake here, then, is the professional staff's ability (or inability) to work together across their "fields of specialization" to cope with what we might think of as overly specialized, narrow, "tunnel vision." But Kardaun makes clear that this is not simply a matter of individual motivation, but instead a more complex organizational and institutional challenge: "people like to work out of the box," he says, "they want to work out of this tunnel—they want to, but they can't, because it's organized [this way.]"

What helps Kardaun cope here is the exercise of perspective-taking. He is able to come out of his own "tube," his own specialized function in the school, when he works to appreciate both the lived and constrained worlds of the immigrants as well as the lived and constrained worlds of the welfare and educational professionals with whom the immigrant parents must interact. There may be nothing inherently unchangeable about those constraints, he suggests, but their tacit and taken-for-granted character—and the habits and routines that make it difficult to discuss their influence—can make them resistant to change. Recognizing them, bringing them to the surface and calling explicit attention to them are important steps toward restructuring them and addressing the difficulties they perpetuate, as we shall see.

Kardaun resists the pull of an abstracted account that might immediately define just what the problem is. The rules of the school conflict with the wishes of the parents; the needs of the one are incompatible with those of the other. He moves instead to learn about "the problem" as framed by the school officials and as enacted by the parents, who have said—and perhaps complained, protested, implored, objected and explained as well—"My child is Muslim, and I don't want my child to go on the school holiday—because boys and girls have to sleep separately, and they [should] swim separately, and so be separate, separate, separate, because of the Muslim beliefs—and in your school, boys and girls go together, and we don't want to do this."

Kardaun refuses to be satisfied with this initial story, despite its immediate plausibility, despite the useful way it might relieve him of responsibility by defining the problem through the parents' behavior, and despite the respect (however grudging) for the parents it seems to express. How could Kardaun not stop here, but go on to learn more?

A parent says that their child is Muslim and that they don't want their son or daughter to go on the school trip. This invokes parental authority that carries a degree of presumptive legitimacy. Certainly parents' wishes regarding the welfare of their children must be accepted to some extent, particularly when parents invoke religious commitments, identity and doctrinal authority. Can an elementary school ask a family to violate their

religious commitments for a school trip? Kardaun pushes us to see how elemental, basic and straightforward this seems and how, given the matters of respect and recognition in play here, the school authorities seem to face a tough choice. Should they hold the liberal-democratic line and demand equal participation or acquiesce, acknowledging the significant communitarian, particularist demands that they face? Having framed this false choice, they would miss the point either way, Kardaun argues. He pushes them to seek a new reading of the situation, a new insight:

So then, this looks like a conflict, but it's not.... Afterwards, I found out it wasn't a conflict about this ideology, about the religion—it was a conflict about money. The parents have very big debts—very, very big debts—and they don't have the money to pay, *so they say*, "I don't pay because of my religion..." (Emphasis added)

What the staff had encountered was not "the problem," but the parents' strategic justification for refusing to send their children on the school trips.

Here Kardaun teaches us about the challenges of recognition and acknowledgment that arise in these situations (Cavell 1967, 2010). We may, by ourselves, recognize another's status or standing, and we might do so appropriately or not. But we can also go further and try, more specifically, personally and pragmatically, to acknowledge the Other as standing in a particular relationship *to us* (or we can fail, performatively, to acknowledge our relationships).

The school staff initially read the situation as, "Oh, okay, you're a Muslim, so that's the reason why you're not sending your child with us on holiday." That was superficially correct, superficially an act of recognizing the parents as committed Muslims. Kardaun wastes no time in setting the record straight, however: "But this had nothing to do with the reality—it's only a way of tackling the problem." As issues and challenges build up, we see that the apparent conflicts of identity differences and disparate claims to authority depended substantially on the school staff's gullibility, on their naive belief in the parents' literal statements as the full account, as the truth of the matter. The staff seemed to have little time, and perhaps still less curiosity, to ask if the parents' words might be serving other purposes or if they might be shaped strategically by the institutional and economic setting of the conversation itself.

The apparent conflict depended on a reading of "Muslim" that is simple rather than nuanced, rigid rather than flexible, that presumes a threatening orthodoxy rather than looking for a robust and pragmatic belief system. So Kardaun teaches us that what is initially apparent may be just that, the first, but certainly not the last, word. Rather than jump to conclu-

sions about irreconcilable conflicts that seem to be the Other's responsibility—or, of course, the Other's fault—professionals (whether in education or in spatial planning) could instead come to learn to interrupt the apparent, seductively self-evident flow in which interpretation becomes action. By presuming less, they might probe and learn more. This opens an important gap between listening to another's saying, "I want..." and believing too literally what one hears.

Kardaun gives us a glimpse here of what it might mean to listen astutely and what such listening could push us to learn. Notice that, here again, he begins with the school staff's perception—a challenge to which we shall return—"this looks like a conflict," and then he moves, with "but it's not," to what the school staff have missed, to what else matters, to what must be recognized before a search for a pragmatic solution created by the school and families together can open. This interruption is needed to evade the grasp of the framing of an apparently irreconcilable dispute.

So we learn that after the school staff had constructed the situation as a conflict, Kardaun "found out" it wasn't "about this ideology, this religion—it was a conflict about money"! We might well wish to know how Kardaun learned this, but he's given us a clue very early on: he met the immigrants and talked with them, not about school rules and policies, but about the difficulties they were facing. But he also tells us here how easily the school staff had "bought" or accepted the parents' rationale and first justification, for he says, "But the school said, 'Oh, okay, you're a Muslim, so that's the reason why you're not sending your child with us on holiday.' But this had nothing to do with the reality—it's only a way of tackling the problem."

What can seem poignant here is what we might call the "naive respect" and simple recognition that the school staff gave when they took what the parents said at face value. We can easily imagine that such superficial respect could lead to a gullible, uncritical, unquestioning acceptance of what an "Other"—perhaps an unfamiliar immigrant struggling with a new language—might be saying. Here lies the challenge of understanding. Respect can rarely be based on unquestioning acceptance of whatever another person says—for what any of us say depends upon so many influences, so much "context" (whatever that notoriously ambiguous weasel word means!), that taking words literally will often be more dangerous than not.<sup>2</sup>

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<sup>2</sup> And saying, "Well, that's what they *said!*" won't do once the listener is beyond an age of early childhood!

Kardaun warns us, too, about other corruptions of problem solving and problem defining. It seems the school staff brought their own suspicions and blinders to their conversations as well. Kardaun went on:

So what you saw was a huge conflict between parents and school, and the school said, "Well, these parents, they are terrorists." They said, "They don't want to talk with us, they don't want to come to the school, they don't talk about the schools with the child, they're not interested, they're not this, they're not that, they're..."

We too, of course, should not take Kardaun literally, because certainly he's paraphrasing the school staff, but notice that he's choosing an illustrative quotation and not just making an abstract claim. He's passing along a sense at least of what he heard from other school staff, "Well, these parents, they're [like?] terrorists." We do not need to take this literally to believe that some of the school staff were suspicious of the commitments of the parents, were not immediately trusting of the parents' intentions, were not finding cooperation easy. But Kardaun's paraphrases say more: the staff found communication with the parents difficult and blamed the parents for their lack of interest, lack of desire to "come to the school," and so on.

Having told us about big problems with the families—"there was no money!"—Kardaun hardly seems surprised that communication was difficult between suspicious, stereotyping, perhaps fearful school staff and insecure, indebted, immigrant families. Kardaun shifts our attention from a question of identity and religious commitment and difference to a far more ordinary, far more common experience of need and shame, of being in need and being ashamed to admit to authorities that we are somehow incapable, unable to pay for our children's expenses.

He also, though, points to a path through these difficulties of superficial recognition, gullibility, and impasse, and that path involves, not years of analysis, but ordinary conversation—everyday, perhaps at times extraordinary, dialogue—in which school staff (or spatial planners) might believe what they hear a bit less quickly, might worry a bit more reflectively about their own presumptions and fears, and might even be moved to break bread or share tea with the Others who seem so strange. In so doing, they (we) might develop the ability to pay attention to and learn from Others, even when those others have invoked identity and difference as a justification and motive that seems to close off the case at hand. So Kardaun speaks of what he learned "when I talked to the parents and I saw what was happening..."—and then he says, "we could handle this on another level, and we could tackle this problem," as he goes on to explain in the full interview (Laws and Forester 2015).

We should not be thrown off here by thinking that this is all just a matter of “listening” and “dialogue.” Both matter, to be sure, but there's a good deal more going on here that we should not miss, developments that call for self-critical, self-reflective analysis by all who are involved in spatial planning and public administration in its many forms, surely wherever pluralism and diversity stare us in the face.

We can sum up our argument to this point in the following way. If we read Kardaun's deceptively simple story closely, we find ourselves warned to be self-critically reflective in at least three ways. Consider each of these injunctions and lessons in turn.

*(a) Think Critically and Self-Reflectively about Problem Framing*

Kardaun begins by resisting the pull into an abstract characterization of the conflict that might displace his move to specify not only who's involved in disputes at hand, but what kinds of challenges they might be facing. He hears and responds to these challenges that his alliteration signals, their “very, very difficult time here in Holland with integration and in trying to provide opportunities for the education of their young children.”

Kardaun shows too how professionals facing the need to size up the situation and to deal with unfamiliar Others can defer to conventional forms of respect that may lead them to believe what they hear too readily and completely. “My child is Muslim, and I don't want my child to go on the school holiday, because boys and girls have to sleep separately, and ... swim separately, and so be separate, separate, separate....” The easy respect that professionals extend to parents allows them to continue to label the parents simplistically, far too simplistically we learn. Adept practitioners must find a way to express respect by probing initial justifications, by anticipating the effect of strategic moves, and by sticking with their effort to move on together.

On top of this Kardaun warns us of his professional staff's learned fears and readiness to fall back upon the use of stereotypes and media-hyped labels rather than marshalling the curiosity and courage, and the social and organizational processes, that would help them to really meet, listen to, and learn about the families of the children that they are bound, by their professional mandates, to serve, to educate. Kardaun pushes professionals to focus less exclusively on how to interpret what others say and to try to grasp what the interaction reveals about their own blind spots and presumptions. Working to learn more sensitively about others surely



matters; learning more about ourselves and our own blindnesses matters every bit as much.

Kardaun shows us too how easily his own professional staff's framing readily rationalized the apparent noncooperation of the Muslim parents: "They don't want to talk with us, they don't want to come to the school, they don't talk about the schools with the child, they're not interested, they're not this, they're not that." The established professionals make sense of what's happened in a clever, if unintentional way. They tell a story that assigns blame to the Other, maintains their own standing, and seals the story by accentuating the relative powerlessness of the Others. This neglects the difficulties that these families—immigrants already burdened by the demands of adjusting habits and expectations and working in a new language—faced with their debts and financial worries. The professionals tell a story that makes sense without this complexity. They accept the families' withdrawal without asking if this is because they don't care about their children's futures—or because they are ashamed of their own economic difficulties and fearful of being humiliated in front of the school authorities.

*(b) Anticipate Organizational Obstacles: Create Process Designs for Joint Problem Solving*

Kardaun tells us early on not to focus exclusively on the interpersonal features of disputes. The organization of professional practice can itself be perverse, and it can distort the settings in which professionals face these challenging and potentially game-changing encounters. Professionals work in narrow "tubes," as Kardaun puts it, and they are rewarded by their organizations for doing so, even when they might individually express a preference for collaborating across these "tubes" to solve clients' problems or address their needs. Creating the scope and inventing the practical strategies that will do this demands professionals who work to see these organizational influences and to address the features of the setting that limit cooperation across the boundaries and make change difficult.

Kardaun somehow managed to learn. He somehow managed to disrupt the rush to interpretation and ferret out a problem that was confounding his staff as they maintained a clear, even self-evident, account of what was going on in the case that they found themselves involved in. Somehow Kardaun managed to open and sustain a working space in which it was possible, even if marginally, to share experiences with the parents and work on solutions that get behind the apparent "conflict." *How he did this*

*bears examination*; it suggests possibilities for organizational improvisation and creative engagement that can overcome the challenges we have discussed that might allow us to learn from others and to explore ways of solving, together, what appear individually as difficult “problems.”

Kardaun suggests another need for careful organizational analysis. His story is, in some ways, a heroic one. Despite being the leader of an organization that was viewed, at best, skeptically, he managed by force of personal commitment to break through and begin to understand the parents and the community. The more general prescription, or lesson, we may draw may be to think organizationally, rather than act heroically, and to look for the people who are positioned to have the kind of informal and impromptu interactions that facilitate mutually revealing exchange. These are the individuals who are positioned to play the role of translators and go-betweens and they may often not be at the higher levels of the organization.

In Rotterdam, for example, Ellen Hiep, a private sector communications consultant turned community engagement practitioner, captured this perfectly in her account of planning a housing complex's redevelopment. There the planners were working between the mixed success of their initiatives at public involvement and the studied ignorance that kept the everyday world of the residents of the housing blocks at arm's length from Housing Corporation authorities. What the planners missed as they struggled with these competing pulls was an option that was right in front of their eyes.

The handyman, who were on the bottom rungs of the organization, were in regular contact with residents in just the kind of informal, impromptu settings that could facilitate exchange and understanding. The organization neglected this opportunity in a double sense. The professionals were concerned with building houses, with new projects. This defined and sustained them professionally and was the currency by which one got ahead in the organization. They were not aware of important information they were missing. They also were not organizationally aware of who in their organization was positioned to provide insights into the experience of residents nor of those qualities the individuals who played this role needed to be able to seize and develop these opportunities as they presented themselves.

In Hiep's view, “You have to have a good translator in the organization, like a handyman,... a guy that asks the questions, sees what people want and has the authority in the organization to push some buttons....” The role that go-betweens played were a “crucial factor.”

[Y]ou need translations between worlds, and in the residents' worlds there are different ways of talking than in the professional worlds. A go-between needs to be really good at either listening to the residents or connecting with the professionals, and that's a matter of how you talk, how you behave... So it's making connections, that's what the go-betweens always need to do.

*(c) Use Dialogue and Negotiation to Generate New Ideas and Options*

Finally, Kardaun suggests several strategies that create and employ what we might call *cogenerative power*—power that meets, acknowledges and finds creative ways to live with “otherness.” Such power evades or disrupts the pull of internal debates in which we can, professionally and responsibly, work out how to deal with the challenges posed by others. What can work, as opposed to professionalized analysis and internal debate, Kardaun shows us, are the kinds of productive conversations that he and the immigrant families improvised together and that benefitted both. We might recognize that in these conversations, Kardaun actually employed two strategies—dialogue and negotiation—that complement one another and yet differ significantly (Forester 2009).

The engaged dialogue had no a priori rules, so Kardaun had to improvise how he enacted those conversations in his day-to-day interaction. Yet that emergent dialogue gave him the chance to address his own ignorance and to learn about the particular lives of these immigrant families. Only then could he realize and recognize the difficulties they faced practically as well as culturally, the heavy demands posed by debt and cash flow and sheer poverty.

The problem Kardaun addressed here involved the adequacy of his own understanding as the school principal, not first of all the truth of the families' situation. As the director of the school, he realized, and helps us to realize, that he had to learn, to meet the immigrant families, to listen, to appreciate their realities, their situations, their motives. But meeting the families was not easy. He had to find a way outside the black box of the school and the de facto power structure that shaped the parents' ability to see him and recognize his efforts. As he put it later in the interview, “because of my position in the school, [it was hard to learn about these problems] because I was not one of them, I was part of the school. That was difficult.” “Difficult,” he implies, but apparently doable!

Yet Kardaun was able to do more too, to work on problems not so much “for” but “with” the immigrant families of the school's Muslim children. His “meetings” with the parents, we see, were oriented, not only

toward his own accumulating understanding, but also toward practical ends produced jointly. These ordinary conversations moved beyond dialogue to involve what we might call “creative and cogenerative negotiation,” too. He described this combination of dialogue and negotiation-oriented work in the following way:

I would always search for a way out. I wouldn't know in advance that there was a way, but I would search for the way. It seems that many people in such positions [don't] involve other people in the search for the way out, but by bringing together people, we can search together for the way. My basic feeling is that people want to do right. Inside, everybody wants to do good things. I believe in that, but a lot of people are hindered—there's an obstruction that they cannot do well, because of the tunnels, because of the organization, because of the financial constraints . . . there are a lot of things. But when you give people the possibility to do good, they will act good, so I always have a feeling that it's true, that when I create the conditions, when I can only create the conditions, that energy can start to flow.

Kardaun argues here that problem solutions do not come, in the face of difference, through the brilliance of expertise, through the brilliance of social engineering solutions or proposals of technical “solutions,” but through bringing together the people who are affected, giving them the opportunity to “search together for the way” to solve their problems, and by creating the conditions for people together to learn, and, not least of all, by then allowing their interests and passions to work together so that their “energy can start to flow.”

Here Kardaun ties together our experiences of learning and the threats of organizational capture that promise to limit that learning. Bringing diverse stakeholders (here parents and school staff) together is essential, even as it is also challenging and disruptive. Meeting with others can create spaces less static and more open to the future, spaces of potentially changing and developing relationships. These meetings are liminal with respect to professional boundaries, all the more so if there isn't a clear line of control, which means that the stakeholders who come together don't know what will happen. So no wonder that these liminal spaces of changing relationships can seem threatening to professional standing and security. Engaging these spaces of difference will always have to deal with such uncertainties and ambiguities.

Kardaun's quite simple and ordinary story, we submit, contains complex and extraordinary lessons for those interested in spatial planning and thus necessarily, also, in coming to terms with many forms of diversity and plurality. Kardaun's account suggests that to act well in these settings, we have much to learn about ourselves, our professional organizations'

blindness, our own fears and presumptions, our own failure to engage others, our own failure to listen, learn and, not least of all, negotiate. To be still more direct: these challenges of learning will arise in many settings of spatial planning, especially those involving heterogeneous populations, migration and immigration, neighborhood and workplace composition, community and economic development, urban design and physical planning, among others. Kardaun's experience illuminates far more, then, than the difficulties of school administration in fluid metropolitan settings. In diverse contexts of spatial planning, we need to pay attention to what we might call our learned or studied ignorance that is often at work, a need to learn that, if unaddressed, sustains conflict and can both interrupt the expression and the recognition of practical opportunities for development (see Roy 2005; Forester 2009; Ward, Wilbert and White 2011).

#### **4. But More: When Planners Propose Change, They Also Propose Loss—Learning from “The Cockpit”**

A further, striking example of these challenges to learn emerged throughout our interviews with professionals charged to enact, essentially, what we refer to as street-level democracy in cities. It will not be surprising, perhaps, when we consider that change in cities rarely begins with a blank slate, that spatial planning proposals will often promise to interrupt stable and predictable attachments—as Peter Marris taught us (Marris 1986)—and so also insinuate experiences of disruption and loss. So too, then, when we recognize how powerfully our attachments to “place” can anchor our memories and senses of identity, we can expect that spatial planning—planning, after all, oriented to changing our experience of lived places—will (however well-intentioned it is!) provoke and give form and force to such feelings of loss.

We saw all this in our interviews in the presence of barely recognized, and thus largely unmet, needs for mourning triggered by planning and redevelopment. Where planners and other urban professionals see new options, improved conditions, and broader opportunities, residents will often start instead with memories that anchor or frame their experiences of change: how they anticipate planned changes, the loss of familiar places or habits, and how they will likely respond to those changes. City residents' landscapes, for example, are infused with tangible memories: first kisses, graduations, birthdays, perfect Sunday afternoons, triumphs and battles. These create the need for the kind of early steps—getting beyond

initial perceptions and presumptions, addressing the complex framing and limiting influences of organizational structures and professional identity, improvising together to fashion a generative capacity and power to act—that Kardaun teaches us about.

A story from a neighborhood in The Hague illustrates this underlying theme of spatial change and transformed attachments, physical change and loss as well as new gains.<sup>3</sup> A new spatial policy and plan developed in a green fields area that was annexed to the city. The first residents of the new town that was built on the site moved as a group from a strong working-class neighborhood in the city center. They arrived during a transitional period when much of the development was still under construction, and they set about building community, as they could under such conditions, in and through a makeshift community center in a trailer that they called, “The Cockpit.” So here various activities “took place”: bingo and children’s programs as well as more marginal, not always legal, off-color activities that were tolerated mostly because there was little established local order to offend.

As construction was completed, the new neighborhood began to be staffed with street-level bureaucrats responsible for community development. The improvised, trailer-based “Cockpit” did not fit into either the spatial planners’ physical or social plans for the new development, and so a new community center was built and staffed with professionals. This led to a struggle with the former “Cockpitters” that plagued the neighborhood with turmoil and violence for years.

What emerged much later, in reflection among the professionals involved, was the new residents’ need to mourn the passing of this makeshift, but iconic, structure. But it was easier, for quite a while, just as it was at Kardaun’s school, to describe the problems in terms of the Others who would not, perhaps could not, cooperate in the civil and professional atmosphere of the spatial planners’ vision of the new setting. This took shape as blaming, but also as the kind of presumptively knowing, professionalized sympathy for “difficult folks from a difficult past,” folks who just can’t help themselves.

By missing the need to mourn that was associated with the changes in the neighborhood, the spatial planners were left not so much clueless, but instead with misdirected clues, with a misdirected account and sense of professional purpose. Instead of spurious explanations—the problems are about working-class culture!—what the professionals had to unravel and

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<sup>3</sup> Our account is a summary of a complex and fascinating case described in Verloo 2014.

recognize here was a pattern of acting out, challenging, and disrupting that carried an implicit comment on the complexity of what the Cockpitters were experiencing.

But loss was not part of anyone's superficial story, and so it received no attention. This meant that practical opportunities to address it also slipped by unnoticed—embracing the local tradition of bonfires with a funeral pyre for the Cockpit, for example—and the dynamics of loss played out instead as a dynamics of felt humiliation and conflict. There was little learning, because there was little go-between or informal interaction that could inform the interpretations of the professionals and the actions that flowed from them. These ill-shaped interpretations and subsequent “practical” actions soon became the ground of many months of contentious interaction that followed as the unresolved chord of loss and its neglect hung in the air.

Kardaun suggests that spatial planners can do better than this, better than we often do, not only as a matter of individual agency, but as a matter of institutional design, process design, organizational and administrative design. Taking such institutional design seriously, spatial planners might democratize rather than tightly control a living spatial imagination. They might recognize more sensitively residents' attachments and relationships to spatial outcomes—school trips or a community center. They might respect and then engage those residents' emotional and cultural, economic and political investments as they, diverse and plural “users,” might imagine them in time and space. Let us give Kardaun the last word in the hope that he might inspire us to try to build upon his example to recast the institutions with which we work, in which we confront pluralism and diversity and the opportunities to generate creative futures together. He says,

But this was an example of the limited vision and limited attention of the professionals, that the school saw only a problem of the parents not sending their children on the holiday, but the real problem was this other problem that nobody saw. So, I was looking for a way to make it legal, to make it regular for people to think outside of that narrow boundary.

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## **Part II**

# **Emerging Issues**



# Pluralism in Private Spaces: Homeowners Associations, Clubs, Shopping Malls

*Stefano Moroni and Francesco Chiodelli*

Although the right to exclude others from your dinner party may be close to absolute, your right to exclude customers from your restaurant is limited by antidiscrimination laws. Deciding when interests become moral claims—and when moral claims become legal claims—requires considered judgment about our most fundamental values; it requires us to define the contours of the good society. Yet we live in a society characterized by deep divisions on fundamental values. This means that we need to combine normative commitment with respect for difference—not exactly the easiest thing to accomplish.

—J. W. Singer, 2008

## 1. Introduction: Pluralism and Space<sup>1</sup>

Pluralism may be defined as the coexistence of multiple conceptions of what constitutes the good life or what renders life pleasant and worth living. Various conceptions of the good differ, for instance, in terms of religious beliefs, cultural interests and lifestyles. Modern cities have been the prime loci of concentration of different ideas about how life should be lived. The situation becomes more complex, however, when it comes to contemporary cities. Today a cosmopolitan outlook and public tolerance are no longer—if they ever were—the automatic by-products of the large city environment. Quite the opposite has emerged: instances of intolerance

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<sup>1</sup> This essay is the result of the combined research activity undertaken by the two authors. The final written version of sections 2 and 3.2 can be attributed to Francesco Chiodelli, and that of sections 3.1 and 4 to Stefano Moroni. We are grateful to David Weberman for his comments.

are on the rise everywhere, a trend that prompts a concerted effort to re-discuss the connection between pluralism and urban spaces.

Usually when we talk of space and pluralism, most of the attention is directed toward *public spaces*. This chapter focuses on the importance of delving into the issues of pluralism in the ambit of *private spaces*, given that it is here that an increasing proportion of daily life and social interaction is played out in the urban realm: in the last few decades certain types of private space—such as shopping malls and homeowners associations—have assumed roles that were hitherto the province of public space.

## 2. Two Preliminary Questions: Types of Spaces and Types of Rules

To tackle the issue of urban pluralism we must first and foremost spotlight a *typology* of the spaces involved (§ 2.1) and the *rules* that concern them (§ 2.2) (Chiodelli and Moroni 2014).

### 2.1. Types of Urban Spaces

Urban spaces can be divided, according to ownership, into *public spaces* (the owner is the state, at various levels: central state, local government, etc.) and *private spaces* (the owner is a private legal person, whether an individual, a company, an association, etc.). This simple reduction into two categories, without any further specification, proves insufficient when dealing with the complex issue of urban realities. It is therefore necessary to break these two categories down into a set of subcategories. In particular, with reference to private spaces, we suggest three subcategories. First, *simple private spaces*: namely, private spaces typically for individual use, applying principally to private houses (e.g., detached houses). Second, *complex private spaces*: that is, private spaces whose use is conceded only to a specific group of people, usually an association or club—typical of various forms of “contractual communities,”<sup>2</sup> such as homeowners associations, cohousing complexes, housing cooperatives, proprietary com-

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<sup>2</sup> “Contractual communities are territory-based organisational forms (i.e., tied to a specific tract of land) in which members join on the basis of a contract signed by all. More precisely, the contract establishes a set of commitments and rights for its members. Among those commitments is respect for the rules of cohabitation (rules governing the use of property and spaces, and conduct and general procedures pertaining to it), along with the obligation to pay some kind of monetary contribution to ensure the proper functioning of the contractual community. Among the rights entailed by the members is the availability of a package of services in return” (Brunetta and Moroni 2012, 9).

munities, etc. (what makes such cases “complex” as such is not simply the joint use of a given space by several individuals, but chiefly the fact that there is a private contract in force, a binding agreement endorsed explicitly by members, that establishes the entitlements and duties pertaining to the use of the space in question [Boudreaux and Holcombe 1989; Brunetta and Moroni 2012]). Third, *privately owned collective spaces*: that is, private spaces accessible to the public, such as bars, restaurants, hotels, shopping centers and cinemas.

## 2.2. Types and Levels of Regulation

*Types of regulation.* Generally speaking, there are two types of restrictions relevant to the use of space. The first type consists in *restrictions of access*, that is, restrictions that apply before entering a place (i.e., a priori); in this case, access is denied to distinct categories of individuals on the basis of certain characteristics or intentions. The second type consists in *restrictions of conduct*, that is, restrictions applied after entering somewhere (i.e., a posteriori); in this case, specific rules of conduct are introduced to regulate users’ behavior.

*Levels of regulation.* Both public actors and private actors may introduce rules of access and rules of conduct concerning the use of the spaces they own. The public actor can furthermore introduce metarules regarding the possible rules of access and rules of conduct that the private actor can put in place. In other words, both public and private actors can introduce rules concerning the use of the spaces they own (i.e., first-order rules), but the public actor can also introduce metarules (i.e., second-order rules) concerning the legitimate establishment of private rules.

## 3. The Thorny Issue of Pluralism in Private Spaces

Let us now look at what obligations and limits apply to the public actor in introducing metarules for the management of spaces under private ownership, and what rights and limits apply to the private actor for rules of access and conduct relative to privately owned spaces.<sup>3</sup> In this regard, the

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<sup>3</sup> The complementary but different problem of the regulation of *public spaces* has already received wide attention. Normally, only those activities that generate significant negative consequences are excluded. The problem in this case is how to decide which consequences are negative ones. For interesting discussions, see, for example: Ellickson 1996; Mitchell 1997, 2003; Baron 2006; Laurenson and Collins 2007; Blomley 2009.

kind of spaces that raise most problems are those we have termed *complex private spaces* (§ 3.1) and *privately owned collective spaces* (§ 3.2). *Simple private spaces* do not usually raise any significant issues because a wide range of access and conduct restrictions are generally permitted: “One’s home allows an individual to have an unregulated forum for free expression and self-realization.... The home [is] a precious sanctuary of individual liberty and self-expression” (Fleming 2006, 600–601).

### 3.1. Complex Private Spaces

Here the issue of pluralism is a difficult one. This kind of space is sometimes likened to public space, particularly when it covers a large tract of land—as occurs with certain kinds of large homeowners associations<sup>4</sup>—yet it nevertheless remains privately owned space. Does this mean that the range of freedom in introducing rules is like that in simple private spaces? Applying the preceding categories, we turn to two issues: *rules of access* (§ 3.1.1); and *rules of conduct* (§ 3.1.2).

#### 3.1.1. Rules of Access

Here we will first take account of the problems related to the rules of admission concerning access to contractual communities for permanent residents—for example, through the purchase of a house in a homeowners association. Considering the issue of rules of access, we are immediately faced with the question of whether a homeowners association, for instance, can choose its members on the basis of skin color or of religion in the same way as when we decide who can live with us in our homes. In essence, homeowners associations are residential spaces owned privately. The right of exclusion is intrinsic to the notion of private property. Yet the rule is generally that homeowners associations *cannot* apply restrictions to access on the basis of race, color or religion. In the United States, court rulings and laws have endorsed this position (beginning with the seminal Supreme Court case *Shelley v. Kraemer*, 1948; see Siegel 1998).

Nevertheless, it is not always easy to determine when some form of discrimination has occurred. Should we accept the selection of those eligible for access on the basis of *other* criteria (other than race, color or religion)? For instance, cohousing is based on so called “elective

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<sup>4</sup> Some private communities in the United States number over 50,000 inhabitants (Brunetta and Moroni 2012).

neighbourliness,”<sup>5</sup> that is, on the basis of empathic affinities.<sup>6</sup> Similarly, retirement communities in the United States apply an age threshold for admission (a retirement community is a particular form of contractual residential community devised for elderly people<sup>7</sup>). These restrictions are of a different type: should they be allowed?

It should be pointed out that homeowners associations wishing to screen applicants on the basis of religion, skin color or race, can do so without explicitly stating their selection criteria in their community charter. Screening occurs indirectly in some instances: for example, on the basis of services existing in a given community (Strahilevitz 2006),<sup>8</sup> as in the case of the Ave Maria community in Florida founded for the purpose of establishing an all-Catholic residential community. Although the criteria were not explicitly stated, the place, organization and services were exclusively intended for radical Catholics (Reilly 2005). For example, Catholic symbols are displayed in many civic spaces, newsagents cannot sell pornographic literature, and the sale of contraceptives is banned throughout the township (Bollinger 2009).

Another element worth noting is that admission criteria are typical of many types of clubs and associations oriented to particular types of social groups (e.g., Boy Scouts, the Rotary Club, etc.). The admission criteria applied by many such clubs would be considered discriminatory if applied by a homeowners association. One example is provided by *Boy Scouts of America v. Dale* (2000) in which the US Supreme Court recognized the right of an association to choose its members on the basis of its values and its charter, appealing to the so-called “freedom of expressive association” for legitimacy.<sup>9</sup> The case in question involved the expulsion of an assistant scoutmaster due to his homosexuality. *Boy Scouts of America v. Dale*,

<sup>5</sup> On cohousing, see Fenster 1999; Williams 2005; McCamant et al. 2011; Chiodelli and Baglione 2014.

<sup>6</sup> Consider also what happens with residential cooperatives (Maldonado and Rose 1996).

<sup>7</sup> The access criteria vary from community to community—some have fixed-admission thresholds for both spouses, others for only one of the spouses, some ban children as permanent residents, etc. On retirement communities, see: McHugh et al. 2002; Lucas 2004; McHugh and Larson-Keagy 2005; McHugh 2007.

<sup>8</sup> In this respect, Strahilevitz (2006, 454) introduces the idea of *exclusionary club goods*. An exclusionary club good is “a collective good that is paid for by all members of a club, at least in part because willingness to pay for the good in question functions as an effective proxy for other desired membership characteristics.”

<sup>9</sup> According to the US Supreme Court, the freedom of expressive association is not limited to associations formed specifically to express a particular message or viewpoint. On the contrary, it is extended to any association simply engaged in expressive activity.

shows how the right to associate for political expression “can require a right to exclude” (Rahe 2002, 546). In practice, this emerges as a sort of “right to discriminate.”

Regardless of considerations concerning the content of the Supreme Court’s ruling, one may ask in formal and logical terms: should such a “right to discriminate” be applicable by homeowners associations, too? Consider again the case of the Ave Maria community: it is easy to argue that its purpose too is to uphold certain specific (Catholic) values. The presence of an atheist or gay member would be contrary to the foundation’s basic message. Does it follow, then, that the Ave Maria community—and others like it—should be allowed to choose their residents on the basis of religion or sexual preference?

As affirmed by Rubenfeld (2002, 1161),

the truth is that virtually every antidiscrimination law could be found to violate the “freedom of expressive association” just as the “liberty of contract” could be found to be transgressed by virtually every commercial and labor law. This is because antidiscrimination laws are nothing other than laws regulating association, and virtually every association engages in some form of expression, whether it be public or private.<sup>10</sup>

Thus far, we have pondered the question of the access of a fixed member of a residential contractual community. Problems somewhat similar also crop up in the case of occasional access for nonmembers. The question is whether a contractual community can decide on nonmember access in the same way as we decide who can or cannot enter our homes. Sometimes homeowners associations are considered different from single homes in this respect, for instance, as regards the free access of nonmembers to the community’s streets. In other words, the problem is sometimes posited differently according to whether it involves a single dwelling (e.g., a detached house) or a number of dwellings united in a homeowners association. But how can we justify this difference?

### 3.1.2. Rules of Conduct

Other problems concern the rules of conduct introduced by a homeowners association, an issue that has provoked much controversy. Such guidelines involve the lifestyles and behavior of the community’s residents. Upon the purchase of his/her unit, the new owner automatically becomes a member of the residential association. The problem of the legitimacy of imposed

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<sup>10</sup> On this topic, see also Rubenfeld 2000.



rules varies according to whether such rules are explicitly included in the *declaration of covenants, conditions and restrictions* or in the regulations imposed by the board of the residential association.

*Restrictions contained in the declaration: scope and limits of the original contract.* From a purely “contractual/consent” point of view the question is fairly simple. The contract that entails the acceptance of the *declaration* is voluntarily signed by the owners, and accordingly the restrictions contained therein are largely legitimate even if they curtail certain individual rights such as free speech. As Ellickson (1982, 1528) observes, the original membership in a homeowners association is more voluntary than the original membership in a city; therefore, an association’s (private) constitutive contract should be allowed to include certain substantive restrictions usually not allowed in a city charter.<sup>11</sup> Inasmuch as it is an explicit contract, knowingly and voluntarily entered upon, one can reasonably hold that the *declaration* must be honored by all residents—and actually the US courts tend to ensure that the obligations contained in the *declaration* are respected.

This position has, however, come under fire. A first kind of criticism—which we might say has an “internal” nature—highlights that some circumstances might challenge the cogency and legitimacy of the obligations contained in the *declaration*; for example: first, a lack of completely consensual consent (the purchaser may not have entirely understood the organizational aspects of the residential association); second, a lack of good faith (the vendor may have deliberately withheld information); third, a lack of real alternatives (in certain areas, houses may have only been available in homeowners associations) (Frug 1982; Alexander 1988, 1989, 1999; Brower 1992; Fleming 2006).

Another kind of criticism—which we might call “external”—indicates that not all the obligations contained in the *declaration* are to be considered absolute: in the bargaining process, real estate vendors and purchasers, landlords and tenants, “have the right to demand various things from each other; however, the framework of a free and democratic society requires some demands to be taken off the table. Some demands are out of line” (Singer

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<sup>11</sup> Referring to the United States, Ellickson (1982, 1528) presents this example: “If a group of orthodox Jews set up a condominium and stipulated by original covenant that males were required to wear yarmulkes in common areas on holy days, a court should enforce that original covenant in deference to the unanimous wishes of the original members. An identical ‘public’ regulation would, of course, violate the first amendment’s ban on establishment of religion, and perhaps a number of other constitutional guarantees.”

2008, 153–54). Instead of assuming that all rules limit freedom, we should recognize that contracts must be subject to regulations that set minimum standards: “Law shapes social relations, and to avoid unjust and oppressive power relationships, it must rule certain kinds of contractual arrangements as out of bounds” (ibid., 156). For instance, in the United States, the Freedom to Display the American Flag Act (2005) forbade contractual communities from banning the display of the American flag.

While all these criticisms are relevant (and might suggest the possibility of certain limits on contractual freedom, or, at any event, some margin for the judicial revision of contracts), they do not cancel the fact that the very existence of a unanimous contract is an ineliminable difference between cities and homeowners associations. Cities have involuntary members when they are first formed—members who did not sign any kind of contract; by contrast, membership in a residential contractual community derives from a signed contract (Ellickson 1982; Foldvary 1994; Epstein 1997). This factor inevitably leads to certain differences.

*Restrictions made by the board of the homeowners association: scope and limits of majoritarian procedures.* Further problems arise regarding decisions later made by the homeowners association’s board, that is, the elective management body. Owners are under an obligation to abide by the decisions made by the board since the purchase agreement includes membership in the residential association and the obligation to respect the board’s decisions. In this respect, the homeowners association functions like a private government. All the owners are part of it and may stand for election to the board. The board decides, for example, on the use of collective spaces, on certain activities conducted in private spaces, and on the buildings’ architectural features.

According to some authors, this does not mean that *every* decision of the board is automatically legitimate. The right to a majority decision must be safeguarded, as presupposed by the existence of the contractual community’s self-governance. However, some authors deem it reasonable to envisage certain forms of protection for owners who find themselves in the minority opposed to the board’s decisions. As Sterk (1997, 341) observes: In every situation in which majority rule is the main procedure for decision making, societies have introduced specific legal constraints to protect minorities; it would be surprising if homeowners associations, which are a case of residential private government, were the only exception. Some scholars believe that this precaution has today become more necessary in light of greater discretionary powers given to boards (French 1992)—owing to the fact that the norms laid down in the *declaration* are

unlikely to encompass all the complex situations that may arise in the course of a contractual community's existence (Sterk 1997).

Complex issues emerge particularly when the situation involves certain basic rights—which in some countries, such as the United States, are recognized as constitutional rights—that are held to ensure pluralism. Take the display of political signs (billboards, etc.) on private property, for instance, on the front lawn of a freestanding house. Can, in these cases, the contractual community boards forbid such displays (as they have occasionally done)? (Fleming 2006).

Some writers maintain that restrictions on the board's power are justified by a peculiarity of homeowners associations. One mechanism in favor of disgruntled minorities within the community is the "exit" option: whoever does not accept the decisions taken and the rules imposed may leave the association. Alas, the cost of leaving the homeowners association is very high. Quitting a homeowners association is not like leaving a chess club. The economic costs are steep (given that for many a home is one of their most significant investments), but so are the functional and emotional ones. As Alexander writes: in certain cases

it is insufficient merely to provide a legal permission to exit. For exit from a group might be very costly. One might have to forfeit property. One might have to move. One might need to acquire information about available alternatives to one's current way of life, and what sacrifices one would have to make to choose them. (If, for example, all land belonged to gated communities of different flavors, exiting one would require joining another). (2002, 627–28; see also Sterk 1997)

In the end, both at the level of the *declaration* and at the level of the boards' decision, the cited problems allude to an issue of greater scope: can certain fundamental (constitutional) rights like freedom of speech be upheld within a homeowners association? Certain fundamental, constitutional rights obtain—for instance, in the United States—for public spaces and for public activities. An extension of this principle both totally and unconditionally to every kind of activity and space, in particular the private ones, seems neither feasible nor advisable.<sup>12</sup> Such an extension would effectively annul the

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<sup>12</sup> In the United States over the last few decades many court rulings have covered this issue (Kennedy 1995; Rishikof and Wohl 1996; Siegel 1998; Chadderdon 2006; Bollinger 2009). In some specific cases, certain (constitutional) rights were extended to residential contractual communities. This happened when the Supreme Court introduced the "functional equivalence" principle, or recognized the existence of a "symbiotic relation" (a sufficiently close nexus between public authorities and private activities). In the former case (see *Marsh v. Alabama*, 1946) a private residential place—namely, the company town of

distinction between public and private actors (Epstein 1997; Rahe 2002). At the same time, however, certain rights (e.g., freedom to express one's political or religious views) seem so crucial as to require safeguarding even within homeowners associations (Fleming 2006).

### 3.2. *Privately Owned Collective Spaces*

Another difficult case is raised by privately owned collective spaces which, although privately owned, nevertheless provide an acknowledged service to many people. Here too we divide our discussion into *rules of access* (§ 3.2.1) and *rules of conduct* (§ 3.2.2). We focus particularly on shopping malls, because here certain problems arise in the most manifest and disruptive way.<sup>13</sup>

#### 3.2.1. Rules of Access

A first question concerns control over the individual lease agreements within the mall (Staeheli and Mitchell 2006). The first type of access under supervision therefore concerns the kind of functions or institutions that

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Chickasaw, Alabama, owned and operated by the Gulf Shipbuilding Corporation—was declared equivalent to a public municipality; the right of free expression was upheld there, too. (The case originated when Grace Marsh was convicted of criminal trespass for distributing religious literature on the street of Chickasaw.) In the latter case (see *Burton v. Wilmington Parking Authority*, 1961) it was decided to extend (constitutional) rights also to those private activities whose function depended on direct involvement of the public authorities. (The case arose when an African American patron was excluded from a restaurant on the basis of race. The crucial point of the Supreme Court's decision was that the restaurant leased the premises from an agency of the state, the Wilmington Parking Authority). For the symbiotic relationship theory, see also *Jackson v. Metropolitan Edison Co.*, 1974. For some scholars, these two cases should not be extended to residential contractual communities in general, and are instead (rare) exceptions (see Fleming 2006; Bollinger 2009). As regards *Marsh*, the Supreme Court stated that Chickasaw possessed all the characteristics of an American town: "[T]his language set the bar very high for courts to find that a private entity assumed all ... of the traditional public functions in a given locality to merit a finding of state action" (Fleming 2006, 590). Only very few (large) homeowners associations possess *all* the characteristics of a traditional town. And as regards *Burton*, the problem is that there are many cases (e.g., homeowners associations) where there is no direct involvement or partnership with public actors. (Subsequently, these issues were dealt with by the upper courts of the individual states in the United States and generated a great deal of debate: see, for example, the decision of the New Jersey Supreme Court in *Committee for a Better Twin Rivers v. Twin Rivers Homeowners' Association*, 2007; for more on this, see Franzese and Siegel 2008).

<sup>13</sup> Similar problems arise for private university campuses and office complexes.

are accorded access: in a word, malls select their tenants. But this issue is less problematic from our perspective, so we focus on the more complex set of problems regarding the limitations on patrons accessing the mall (the users and consumers).

Shopping malls and similar places usually apply no explicit restrictions of access to specific categories of the public.<sup>14</sup> In some cases (such as in the United States), however, restrictions have been established. According to Staeheli and Mitchell (2006, 986), shopping centers try to limit access in order to attract a specific kind of public, namely a consuming public; in this sense, the spaces of the mall are cleansed of those individuals whom the “legitimate” public finds worrying or offensive. And they observe: Mall owners usually argue that they have the right to exclude certain individuals from their shopping centers. They refer to the fact that the mall is private property and claim that forcing them to allow everyone to enter would be a “tacking” of their rights (*ibid.*, 985).

Should a collective private place impose any form of restriction to access on the basis of race, color, or religion, it would likely find itself facing opposition for discrimination. Nevertheless, in other cases, it is not easy to draw a clear line between acceptable and unacceptable discrimination. Is it acceptable, for instance, to bar someone from a shopping center according to how he/she is dressed? (Banning according to dress is common in most discotheques, which, like shopping malls, are private spaces for collective use which draw large numbers of people for consumption and socialization.) Is it correct to bar certain categories of people from shopping centers because they “disturb” the shopping “atmosphere,” for example, beggars? And what about the limits sometimes imposed on the ways and times that teenagers and young people can enter the mall (Freeman 1998)?

In conclusion, the problem here concerns the basic criteria for establishing which types of access can legitimately be restricted, and the reasoning that governs whether there should be distinctions between spaces of the same type (say, between a shopping mall, a discotheque, or a restaurant).

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<sup>14</sup> Some commentators assert that exclusionary measures are mainly indirect and psychological (e.g., placement of malls in areas that can be accessed only by car, or the presence of private uniformed guards). See, for example, Goss 1993.

### 3.2.2. Rules of Conduct

Problems similar to those concerning access restriction attach to attempts to control conduct.<sup>15</sup> In particular, problems arise about freely expressing opinions in a shopping center or organizing an assembly, distributing political leaflets, seeking signatures for a petition, etc. Some of these activities are usually not allowed in malls. Mall owners rely on the status of the shopping center as private property to limit assembly and speech (Staeheli and Mitchell 2006, 988). The regulation of behaviors in the mall is justified on the basis of a responsibility of individuals in shopping centers not to disrupt other members of the public who are there for consumption (ibid., 987).

The issue is not trivial. For instance, in the United States the issue has been at stake for several decades (McPherson 1996; Sisk 2007; Weinberg 2009). The US Supreme Court has intervened on several rulings. Generally speaking, the Court recognized that there is no automatic constitutional right to free speech in a shopping mall (Sack 2005). As a result, malls may regulate the manners and times of political activities. Usually the only political events tolerated are those not interfering with the businesses in the mall. Such political activities are subject to private regulation (such as confinement to specific areas).

It is interesting to note how the US Supreme Court (in *Amalgamated Food v. Logan Valley Plaza*, 1968) initially extended the right to free speech to malls on the basis of the concept of “functional equivalence” (originally formulated in 1946 in the *Marsh v. Alabama* case regarding a residential contractual community: see again, note 12). The Court found that shopping malls had become the “equivalents” of city centers, and that, given their role in the social life of the community, free speech had to be safeguarded in such places (Askin 1998).

It is obvious that shopping malls have become increasingly important focal points of social aggregation and socialization for ever larger swathes of the population (Crawford 1992; Perlette and Cowen 2011). However, shopping malls are *not* simply city centers: they remain privately owned spaces.<sup>16</sup> Not surprisingly, successive suits (e.g., *Lloyd v. Tanner*, 1972)

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<sup>15</sup> Here we will focus on the rules that categorically prohibit (or oblige) certain forms of behavior, and not on the advice or recommendations that often appear, for example, in malls on signs and notices displayed on the premises (for this, see Williamson 2002).

<sup>16</sup> As Sisk (2007, 1190) writes: “Saying that a private shopping center constructed and operated for commercial profit on privately-owned property is the equivalent of a

challenged the use of the concept of “functional equivalence” in the case of shopping malls. In *Hudgens v. NLRB* (1976) the Supreme Court confirmed that *Amalgamated Food v. Logan Valley Plaza* had been overruled.<sup>17</sup>

The general issue regarding the use of private spaces for collective activities is as follows: to what extent can its right to govern use of a private space be removed from the owner without undermining the very concept of ownership? In the case of shopping centers, there is another more specific question: is it legitimate that *sui generis* rules be applied to malls that differ from those applied to other types of collective private spaces? It is generally accepted that in ordinary shops, bars and cinemas, certain activities (e.g., political activities) may be limited. So, are there sufficient grounds to distinguish these from malls, simply because they have become central places of social life of much of the public?

#### 4. Conclusion: Two Perspectives

Although pluralism in cities is undeniably desirable (Sennett 1992; Florida 2005 and 2007), it is not always clear how it can be promoted. This holds in particular for private spaces, where it frequently conflicts with other values, particularly contractual freedom and the right of exclusion implicit in the concept of private property. Basically, two possible ethical

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public commons or town square does not make it so.” The fundamental difference is this: “the downtown main street, the town square, the municipal plaza, the public commons, etc. *are* public properties, owned by the government, paid for by the taxpayers, maintained by government employees, and formally dedicated by the community to public use.” On the contrary, “the private shopping center is *none* of these things... The ... shopping mall is operated by a private landowner engaged in commercial enterprise and dependent upon the patronage of costumers for its economic survival.” Moreover, “private shopping centers do not exercise quintessentially sovereign powers, that is, they do not assume governmental authority over others” (ibid., 1192). And he concludes: “When we look beyond purported similarities in appearance between a shopping center and a town square to the most pertinent question of exercise of powers by a private landowner versus those of a municipality, the incomparability of the two becomes plain” (ibid., 1192).

<sup>17</sup> The individual states are entitled to impose more rigid legislation in this matter (see the US Supreme Court decision in *Pruneyard Shopping Center et al. v. Robins et al.*, 1980). The New Jersey Supreme Court, for instance, gave individuals the right to exercise free expression in large shopping centers, subject to reasonable conditions set by the shopping centers (*Coalition Against War in the Middle East v. J.M.B. Reality Corp.*, 1994).

perspectives are available.<sup>18</sup> Here we consider two viewpoints that are versions of “liberalism” in the wider sense that recognize the centrality of the individual and the necessity of clearly identifying and delimiting the state’s role and powers. (Obviously, outside of a liberal-democratic perspective many of the aforementioned problems can perhaps be resolved, but this occurs simply because many value conflicts at the core of our analysis go unnoticed.) The first perspective is an extreme version of “liberalism as neutrality” (§ 4.1) and the second one a particular form of “liberalism as pluralism” (§ 4.2).

#### *4.1. First Perspective: Priority to Certain Forms of Freedom*

If we assume that certain forms of freedom (in particular, contractual freedom and the right to exclude others from private property) are intrinsic and basic values, it is undesirable to limit them even when doing so would foster greater pluralism in certain (private) spaces.<sup>19</sup>

In this case, the right to exclude others is recognized as a fundamental aspect of property rights. It is the most important stick in the bundle of property rights.<sup>20</sup> Note that this position does not deny the value of pluralism as such, but simply assigns it second place after certain individual freedoms. This is the standpoint adopted by libertarians, for example. Libertarianism accepts in a radical way the notion of state “neutrality” toward conceptions of the good life. In this case the state is something like a minimal, neutral umbrella for different persons and incommensurable lifestyles. As Robert Nozick writes (1974, 312), the libertarian state is *a framework for utopias*, a place where individuals are free to voluntarily join together to realize their substantive idea of the good life, but where no one can impose his own utopian ideal.

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<sup>18</sup> It is important to underscore that these perspectives are *ethical*, not simply *legal* or *juridical*. While the latter point of view assumes certain constitutional principles and looks for the best interpretation or implementation of them, the former puts under scrutiny even (specific) constitutional values.

<sup>19</sup> “The logic of contract and exchange should not be suppressed or deflected by any claim of freedom of speech” (Epstein 1997, 52).

<sup>20</sup> “Indeed, it is difficult to conceive of any property as private if the right to exclude is rejected” (Epstein 1997, 22). “The institution of ownership gives people the right to exclude, not because they will invariably exercise it, but so that they can select those individuals to whom they will extend permission to enter their property. The right to exclude is good against the world, and permission then isolates those individuals who are entitled to use the property subject to whatever terms and conditions the owner chooses to impose” (ibid., 36). See also Rahe 2002.



From this perspective no particular problems arise regarding the different cases (e.g., individual vs. groups of houses joined in association; expressive associations vs. nonexpressive associations; residential complexes vs. commercial complexes; shopping malls vs. other types of private spaces). Contractual freedom and right of exclusion are always pre-eminent, *making all cases identical*—or at least ethically indistinguishable from this viewpoint.

This perspective is not without its problems. As Alexander (2002, 627) writes, liberalism as neutrality can be consistent with “everyone’s living very illiberal lives” for individuals might choose communities in which association, speech, religion, etc., are regimented. As regards homeowners associations, consider also the paradox suggested by Brower (1992, 219): The autonomy of some individuals entails joining other like-minded individuals in homogeneous associations and these associations must suppress the individualism of its members to defend the particular nature of the association itself.

#### *4.2. Second Perspective: The Priority of Pluralism*

If, on the other hand, pluralism is considered to be an intrinsic and basic value, then it is possible to limit certain types of rights—especially contractual freedom and the right of exclusion from private property—in order to safeguard it. One might also see this position as defending the idea that the individual right to free speech and other similar rights have priority over contractual freedom and the right of exclusion implicit in the idea of private property. The point here is that “more speech is better” (Chemerinsky 1998). In this case, “the attempt to muddy the distinction ... between the public sphere and private property essentially means curtailing rights to private property in favor of other rights such as free speech” (Rahe 2002, 527).

Note that this case does not necessarily deny the importance of freedom of contract and of private property. Rather, their value would no longer be seen as primary and absolute. This type of position is adopted, for instance, by those who defend the idea of tolerance (not as “neutrality” but) as “respect” or “recognition” (Galeotti 2002). It is generally in line with the perspective of “liberalism as cosmopolitanism” (Waldron 1992) in which the liberal values pluralism, diversity and openness. In other words, this conception of liberalism admits to being itself a vision of the good, a specific way of life. On this view, a liberal society is one that provides its members with a large menu of ways of life from which to choose, and therefore has within it a plurality of thoughts, ideas, religions, associations, etc. (Alexander 2002, 630).

In this second case—in the attempt to control and partially limit freedom of contract and private property with the aim of fostering free speech and pluralism—various additional problems arise.<sup>21</sup> First, do we need to distinguish between a single house and a housing complex forming a residential contractual community? And should we treat them in a different way, introducing antidiscriminatory rules only for the latter, for example? And if so, how can this be done? The suggestion of a different *scale* or *size* seems somewhat lame as a criterion with which to work.<sup>22</sup> Second, should we make a distinction between “expressive associations” on the one hand, such as the Rotary Club, the Boy Scouts, etc., and “residential associations” on the other, such as various kinds of homeowners associations? And here again, should we treat them in different ways, with antidiscrimination rules only in the latter, while allowing discriminatory choices to remain in the former? Here too it is no easy matter to find a valid way to distinguish the two cases. Third, should we make a distinction between spaces devoted to a specific function such as homes, and spaces devoted to other functions such as shopping malls? If so, do we treat them differently in terms of antidiscrimination laws? Further, should we differentiate between collective private spaces, such as between a discotheque and a shopping mall? Should we apply different antidiscrimination rules here as well? Again it is hard to find a good way to distinguish different cases.

That said, just because it is not easy to establish such distinguishing criteria does not mean it is impossible, though the entire question is more complex than it is generally considered to be.

In conclusion, the purpose of this essay is not to take either of the directions mentioned or to propose a middle path<sup>23</sup> or a third alternative.<sup>24</sup>

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<sup>21</sup> If pluralism were the only value in question, the issue would be simpler, but if other albeit secondary values come into play then the problem arises of identifying distinct cases among them.

<sup>22</sup> As Epstein (1997, 51) writes: “When two or more individuals combine their rights, they do not gain any additional advantage over third persons, but, by the same token, their combined efforts should not subject them to any additional obligations either. The rights and duties of both A and B are, so to speak, conserved against the world.”

<sup>23</sup> As regards homeowners associations, a middle-path position could defend the idea of including a “bill of rights” in the fundamental charter (see, for instance, French 1992). Another middle-path position could defend the idea that trust law can curb abusive homeowners association power (see, in particular, Reichman 1976): in other words, once the homeowners association is transformed, by analogy, into a “trust,” the developer or the board becomes a “trustee”—the trustee is subject to a number of specific duties: the duty of loyalty, the duty of impartiality, the duty to provide reasonable care, etc.

The objective has been to show that the problem of pluralism becomes particularly complex, once the *spatial aspect* of various circumstances (Chiodelli and Moroni 2014), especially regarding *private space*, is taken into account.

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As Reichman (1976, 306) writes: “The residential private government’s main function of regulating essentially private matters would only be distorted by the introduction of public law restraints.... The power of the homeowners’ association to control property-related matters in planned communities should be restrained only by the body of law responsible for its creation—private law.”

- <sup>24</sup> An alternative view could focus on the idea that certain rights (such as the right to free speech) are “systemic rights” (analogous terms include “collective rights,” “social rights,” “structural rights”) and hence quite different from other more traditional individual rights. As systemic rights, certain rights need specific attention and defense. See, for instance, Fleming (2006), who writes: “An individual voter’s ability to contribute to the marketplace of ideas, or her opportunity to be influenced by that very same marketplace, should not be stifled simply because she chooses to live in a community governed by a homeowners association. A voter’s role in the proper functioning of our democratic system of government is equally important regardless of her home address” (ibid., 603). Another alternative approach could focus on an “institutional theory of rights.” See, for instance, Hills 2003. Hills defends an “institutional theory of rights” as more attractive than the traditional “anticoercion theory of rights.” In this perspective, “the purpose of rights is not to protect individuals from coercion but rather to ensure that individuals are coerced by the right sort of institution” (Hills 2003, 144). “Institutional theories define rights as rules that allocate preemptive jurisdiction to institutions ... based on that institution’s likelihood of making decisions appropriate to the social sphere in which it operates” (ibid., 188).

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# A Dissenting View of Urban Public Space

*Andrew Kirby*

## 1. Introduction

In order to shed some light on the goals of this chapter, I begin with a brief detour on how it came to be written. It comes out of the broad literature that deals with issues of urban development (primarily but not exclusively within the social sciences), and is concerned with the question of what constitutes a successful city, in the very broadest sense. My empirical research has been undertaken over the past decade in Arizona, which has seen massive population growth, concentrated for the most part in low-density suburbs of master-planned communities, many displaying gates, walls and fences.

Academic opinion on these phenomena (and their global counterparts) has been universally negative, arguing that the proliferation of private spaces—such as gated communities, and their residential counterparts such as shopping malls—is a dystopian development. The sharpest criticism is reserved for gated communities, on the grounds that they are racist (it is argued that they are universally white), that they normalize social inequality (as they reify and reproduce social segregation based on income) and they contribute to fragmented cities that threaten to undermine the public sphere. This last point rests upon the argument that an urban society in which residents with different views may not mingle and interact—because legal restrictions and physical barriers keep them apart—is a society which faces atrophy. Arguments along these lines have used phrases such as “fortress America” to describe this bunker-like mentality, and have unfavorably contrasted the contemporary suburban landscape, with its security guards and private places (office parks, malls, gated campuses) with organic neighborhoods of city streets in which the diversity of human existence is manifested and can thus be celebrated.

Those unfamiliar with the literature on public space and private space should be clear that the arguments offered in the literature are anything but equivocal. Gated communities have been compared, as segregated living arrangements, with concentration camps, while Phoenix, as a template for privatization, has been described as the “least sustainable city on the planet.” Self-evidently, neither of these claims is factual, and one is patently offensive, yet they do indicate the extent to which those working in this field have felt obligated to show their wrath about the loss of what is also termed “the right to the city.”

The problem with this emotive response is that it rests on shifting sands. Gated communities are not, in the US, places of economic privilege or ethnic exclusion; indeed, highly privatized cities display lower levels of ethnic segregation than older cities with traditional neighborhoods. Privately planned communities display levels of social capital comparable with more traditional neighborhoods, and similar levels of social interaction. However, these claims—all empirically verified—have gained little traction in the literature. They constitute “inconvenient truths” in a field which is seemingly dominated by those who celebrate the urban rather than the suburban, and the public rather than the private. In recent years, this set of preferences has also become part of a dichotomy between denser, compact cities with organic neighborhoods (which constitute an ideal of urban sustainability), and the automotive-based, low-density landscape of suburban ennui that is, we are constantly told, on the brink of collapse along with the disappearance of gasoline.

It is hard to push back against a normative agenda that is strongly underwritten by planning schools, urban studies programs and related sub-fields in sociology, economics and other social sciences. Yet my own participation in this debate—which feels, frankly, to be more of a monologue—is based on the belief that many claims about contemporary cities are profoundly and dangerously wrong-headed, whether we are contemplating rates of mental illness, the causes of obesity, or basic definitions of sustainability. This is especially true of the belief that certain kinds of planning are the only pathways to a high quality of life, or that certain urban forms are the precursor to vibrant politics while others threaten us with a collapse of the political sphere.

In short, this chapter is a part of a portfolio of research and writing that attempts to understand how we have created a literal urban mythology for ourselves, and what this represents. In this chapter, I will begin with one of the most pervasive myths of recent decades, namely that certain forms of planning, and certain forms of neighborhood are the panacea for all that



ails the twenty-first-century city, and notwithstanding recent books such as Edward Glaeser's *The Triumph of the City*, many continue to see urban places as sinks of evil (for the definitive discussion of this history, see Schorske 1998). As we shall see, this outlook finds powerful expression for many commentators in the writings of Jane Jacobs. She was a powerful advocate, in her writings from a half century ago, for a certain form of tolerance and diversity to be found in—and constituting—the successful urban neighborhood. As I shall claim here, these norms are profoundly misplaced and have led us into a wilderness of wrong choices. However, as I indicate in the next section, events and ideas of the first half of the twentieth century brought us inexorably to a specific point at which Jacobs' ideas took on a sense of inevitability. It is that which we must confront first.

## 2. Space and Intolerance in the Twentieth Century

It would be hard not to agree with the proposition that the twentieth century saw the apotheosis of intolerance. This was often manifested in spatial forms, from the Jewish ghettos of the early century European city to the black African townships of apartheid South Africa. The most degenerate states used sophisticated spatial systems to organize and subordinate their undesired or recalcitrant populations: the Nazis via systems of urban and regional resettlement, or sinister repurposing of Jewish ghettos such as Warsaw or Theresienstadt, while the Soviets developed what we in shorthand now call the Gulag.

In less coercive contexts, all societies have maintained social and spatial segregation in myriad coercive ways: through public housing allocations in far-flung *banlieues*; through neighborhood covenants and redlining processes that racialized access to loans and owner-occupied homes; and by systematic redevelopment processes that have torn down communities (a process first made famous by Baron Haussmann) or placed unwanted people and things in the least socially organized parts of town.

So while it is generally accepted that urban space is but a manifestation of broader social and economic forces, the post-1945 consensus sought to reshape some of these social processes (diminishing the most egregious examples of inequality) while the design professions attempted to bring their norms to bear upon the problem. This was an era of large-scale planning for housing, infrastructure and regional development (or as Burnham observed: “make no small plans,” see Page 2011). This thesis produced its

own antithesis in the form of Jane Jacobs. As is widely known, she was enormously influential as a popular writer in the 1960s, arguing against the brutal scale of urban planning, and for the organic city.

### 3. Jane Jacobs and the Organic City

Unusually, Jacobs' influence has continued to grow; it has extended further into academic circles in the past decade, according to citation analyses (Harris 2011), while she remains beatified as an activist scholar who presciently saw the threats to urban life in cities undergoing massive social and economic transformations. Urbanists as different in their perspectives as Ed Glaeser and David Harvey routinely praise her work, albeit en route to very different conclusions (Glaeser 2011; Harvey 2012).

From her we have internalized a number of constructs, including the economic roles of cities, but for the purposes of this argument, we must focus on two issues—what Don Mitchell and others before him have termed “the right to the city” on the one hand, and the importance of public space on the other (Mitchell 2003). Jacobs was not, of course, the first to argue that segregation was undesirable, but she may have been one of the first to argue that mixing in public space was the mark of a successful city—for, as she succinctly observed, “crowds are good.” She argued strongly for organic neighborhoods where individuals could interact and in doing so could express their aspirations for what constituted their own social spaces. She thus connected images of a successful city, a functioning society, and a vibrant public sphere (although that would not have been her terminology).

The problem with this thesis is that it was not the product of empirical testing but, rather, of her personal experiences in the older cities of the northeastern United States, and New York's Greenwich Village in particular. Rereading her classic work (now cited thousands of times), we see that Jacobs made a normative case—that is, for how people *should* behave as urban residents. Its sentiments have resonated with urban intellectuals for half a century, and continue to manifest themselves—it is no coincidence that Richard Florida also cites Jacobs in his evocations of the “creative class” (2002)—and as recently as 2010 two new books on New York continue to embellish her vision (Sorkin 2009; Zukin 2010). Yet as Marshall has recently added “there have been many investigations that have ‘followed’ Jacobs’ work, on density, mixed use, social capital, crime and so on, but generally these works simply restate Jacobs’ assertions as if already factually established” (Marshall 2012, 262).

Jacobs' writing invokes "rough and ready" neighborhoods in dense urban environments where families behaved as successful social actors. Nonetheless, a little thought tells us how unusual these neighborhoods were even then; and by extension, they are even rarer today, and invoking their image is much more a matter of nostalgia than observation. The social transformations that occurred in the 1950s left many blue collar neighborhoods intact while suburban drift occurred. Gentrification was a term unknown until the 1960s and beyond, and minority populations were contained by a discriminatory housing market until social changes began in the 1970s. So for some twenty years after 1945, these neighborhoods were insulated from the turmoil that followed. Then, deep social anxieties were manifested (especially in cities like New York and Boston) as people from different ethnicities were obligated to mix (that is to say, those who had European ancestry were obligated to open up their neighborhoods to those who did not), while gentrification also began, thus completely changing the socio-economic fabric of many cities.

In short, Jacobs based her writing and her evocations of the importance of social interactions on a narrow slice of urban history in which the neighborhoods she knew were relatively homogenous and were sustained by familiar narratives of skilled male employment, and female roles as yet untouched by the feminist movement. It is easy to promote an organic neighborhood in which people interact freely if those people see only themselves in their neighbors. These were, it should be remembered, the years of conformity within American society, as a growing fear of communism promoted patriotism and a defense of American values (e.g., Modarres and Kirby 2010).

It is hard to imagine that Jacobs would recognize the contemporary social fabric, however much her vision is still evoked by contemporary writers. Even in the late 1960s, social psychologists began to reflect upon the alienation that was manifested in American cities: the murder of Kitty Genovese in New York shocked people in 1964 when it was widely reported: "the parable of the 38 witnesses who failed to help ... provides a cautionary tale about dangers to neighborliness that result from the conditions of modern life" (Manning et al. 2007, 559).<sup>1</sup> Yet in subsequent years, we have become immune to such events—despite, or because of,

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<sup>1</sup> In 1964, the murder of Kitty Genovese in New York City became a scandal, not for the brutality of the assault but for the fact that it occurred, according to newspaper reports, in sight of dozens of eyewitnesses. This not only became a metaphor for the collapse of urban life but, it turns out, an urban myth (Manning et al. 2007, 559).

frenzied media attention—and a majority has relinquished its cosmopolitan expectations of urban life in favor of a narrower suburban existence. This is now an era that is, we are frequently told, defined by fear—of terror attacks, of epidemics, of child molestation (Ellin 1997; Low 2001). In such a climate, neighbors may not automatically look out for one another, until trust is earned, and yet that may be hard to do, as the rhythms of life have been assaulted; when all members of an extended family work complex and flexible shifts, it may be unusual for neighbors to even meet, while the traditional cornerstones of urban life, such as churches, no longer have a powerful symbolic role within the neighborhood (for an historical assessment, see Marston 1989). The result of all these transformations is that the very meaning of a neighborhood as a place of complex social interactions has been changed.

We understand this intuitively but have built complex fables about how cities should be designed and how people should behave within them: the most strident of these normative arguments is found within New Urbanism, which pays a good deal of attention to some of Jacobs' ideals (Talen 1999). In consequence, it would be hard to find any professional planners who advocate today for the kinds of futuristic experiments in concrete and steel that were common during the Cold War and which so drove Jacobs' crusade.

#### **4. Normative Urbanism**

This chapter rejects prescriptive agendas about the centrality of public spaces to urban life on the grounds that they are not based on coherent principles of what a neighborhood is or could be; indeed, the following examples indicate that we have rather inconsistent ideas about how residential space “should” be used.<sup>2</sup> Let's consider these three brief examples.

*Gay neighborhoods.* Between the Stonewall riot in 1969 and the first academic writings in 1982 (summarized, for instance, in Castells 1983), gay men began to transform themselves, rejecting one spatial solution (the closet) in favor of another—the neighborhood. In cities like San Francisco and New York (and subsequently in other metropolitan areas such as New

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<sup>2</sup> It is far beyond the scope of this brief chapter to attempt a critical assessment of an ideological position (and highly profitable intellectual commodity) such as New Urbanism: it is interesting that there is an increasingly critical literature in development: see, for instance, Pendall and Parilla 2011.

Orleans), this clustering permitted social mobilization at the local level and the first expressions of local political power. Gays did not aggressively stipulate the exclusion of others but did choose to visibly segregate themselves and in doing so transformed their social and political status. In consequence, they began a path to normalized social and political action that, in the United States at least, has gone from municipal to national political representation.

*Religious neighborhoods.* Consider the very different case of Orthodox Jews in suburban neighborhoods who seek to establish religious communities, who build a synagogue and cluster within walking distance in order to observe the Sabbath. Diamond (2000) indicates that relatively exclusive neighborhoods exist in many suburban areas in North America, including his case study of Toronto, where schools, businesses and homes are closely woven. Once again, outsiders are not actively excluded but market forces promote exclusive enclaves.

*Residential subdivisions.* Third, and in contrast, are the numerous examples of residential subdivisions marked by walls and sometimes by gates, constructed by large corporations as master planned communities. Gated communities are typically homogeneous in terms of house price and therefore income, and physical barriers restrict access to the streets (Kirby and Glavac 2012).

Here we have three examples of exclusivity, one defined in terms of sexuality, one defined in terms of religious observance and one defined in class terms. The first example has been frequently used as a progressive example of social mobilization (an urban social movement, in Castells' terms); the second is described as a self-conscious attempt to establish social capital. The third context is always viewed within the urban literature as negative, contributing to urban fragmentation and threatening to "undermine the physical network of spaces that is essential to the exercise of democratic life and values" (Page 2011). It is with the privatized residential landscape that we start to see the argument about social mixing and urban design beginning to unravel. It has become an article of faith that gated communities are ethnically homogeneous and upper class—what McKenzie, a critic of both home owner associations and residential enclaves, describes as a modern pomerium, designed by the affluent and enlightened to exclude the barbarians (McKenzie 2005). Yet the reality is otherwise. We have shown in several publications that the American Housing Survey indicates that Hispanics and African Americans are proportionately more likely to live in enclaves than are Anglos, and that many gated communities are occupied exclusively by renters; but there

continues to be a steady stream of publications pointing solely to the perils of exclusivity.<sup>3</sup>

Despite this literature of dire warnings, there is little anything other than anecdotal evidence for the claim for a collapse of democratic values in private as opposed to organic neighborhoods. Over a decade, two large structured research projects have explored social relations in different neighborhoods in Phoenix: some privatized, some traditional. We have found few significant differences in social behaviors (Kirby 2008; Kirby and Glavac 2012).

Most crucially, it remains though inconsistent to see some forms of exclusive neighborhood as progressive, and others as regressive. This must be a binary situation: it must be the case that the ideal urban landscape is heterogeneous and that enclaves of any type detract from that norm, or vice versa—that enclaves of any sort are acceptable. In fact, we hold ourselves to very lax analytical standards in this context (Marshall 2012), which exposes the inconsistency of the conflation of tolerance—or indeed almost any social outcome—with spatial arrangements.

This has come about due to normative, rather than analytical thinking, and can change: as she presciently observes, we are not obligated to “simply keep repeating Jane Jacobs’s mantras” (Valverde 2012, 217). What Page describes as an “alternative urbanism” does not require a return to a public sphere resting precariously upon an imagined public space. Indeed, not only is it no longer necessary for the public sphere to have any connection with public space, it is quite desirable that we sever this connection, both analytically and in tactical terms as it viewed by social movement activists.

## 5. Public Space

The ability of the crowd to assemble is a basic question of who has access to urban space (Mitchell 2003). As we have already discussed, much contemporary commentary argues that what is private is closed and exclusionary (Merrifield 2002), and is in contrast to public space, which is assumed to belong to the public and which—by definition—constitutes that space within which collective action can occur. Yet, while this is superfi-

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<sup>3</sup> I choose not to legitimate this literature via a formal citation. I will, however, reiterate my earlier point that this criticism is hyperbolic beyond belief, as when comparisons between concentration camps and gated communities are made (Kirby 2008).

cially correct, it also misses the reality that public space is controlled by the state, and has always been so. Kautzer reminds us that even in the polis, Plato believed that the good of the city was obtained via surveillance, while the potential for real violence always lay just beneath the surface—the Hippodrome of Nika was the scene of bloodletting in 532 AD when the Emperor Justinian tired of the political protests of the mob that filled the race track; it is estimated that 30,000 persons were massacred.

Over time, a more limited and negotiated use of urban space has become the norm. The populace may assemble, and may march—because these are theatrical tactics that eventually come to an end when the marchers disperse (Busteed 2005). However, whenever public space is filled and the threat to the state increases, so the stakes are raised and the use of reactionary force transcends possibility and becomes more likely. The dawn of the modern age is marked by the very first political photograph, the assembly of the Chartists on Kennington Common in 1848: this indeed shows the sober crowd, but, not, significantly, the thousands of soldiers, police and vigilantes who waited to spring into defensive action. The threat was so palpable that the Chartists quietly dispersed (Schama 2002).

Nor has the pervasive threat of violence diminished, as the disciplinary technology available to the state continues to proliferate—foot patrols, of course, and cycle cops, or, when the going gets tough, helicopters and armored cars, all legitimated now by the possibility of “terror.” Public space is, typically, patrolled by the most powerful forces of the state—in contrast to private spaces, which are patrolled by mere security guards (see also Franzén 2001).

It is the received wisdom that the crowd has right on its side. Most recently, the Arab Spring has reinforced this; Tahrir Square is a model of what can be accomplished within public space. Yet this is always to be balanced by what has proved to be unsuccessful. Similarly recent demonstrations in Tehran and other cities in Iran were ruthlessly thwarted. And the ferocity of the forces of “legitimate violence” in Syria has shocked progressive opinion (but not, perhaps, neighboring regimes, who fear such instability). In other words, public space can always be transformed into state space, where the possibility of arrest can always turn into the reality of violence. Tiananmen Square remains a redolent example, although many nations have their contemporary (albeit smaller) versions of the Nika massacres, from Communard Paris, to Derry (a century later) to Mexico City (in 1968).

Street violence originating from either side is destabilizing, as Haussmann recognized, and consequently it is more common to find the burden

of policing placed back on the individual, whose conformity is now encouraged via CCTV as a familiar panoptical device (e.g., Staples 2000). In turn, behind this (and technologies such as retinal scanners and recognition software) are the more pervasive aspects of public spatial control, such as the physical planning process (see, for instance, Yiftachel 1995), often literally reinforced by concrete—used to divide populations, or even to create building foundations that may resist bombings, as in the replacement for the World Trade Center in New York. Every major city has its examples of design that are intended to present an “outward front of power,” in Mumford’s phrase. It is crucial here to emphasize that “state space” is no novelty, but has been inherent in urban growth over the past two centuries. It exists regardless of the regime, and as Edge and Scarpaci indicate, can be constructed under fascism, say, but reused under state socialism (2006).

What is important to bring out here, therefore, is that public space is a space of entirely free assembly *only as long as its use does not threaten the state*. This is even true of behaviors that are not obviously threatening but may be seen as such by those interests closest to the state, such as tourism or convention business. Vagrancy and homelessness have been interdicted whenever and wherever they are too visible in urban space. The contemporary lexicon developed to describe such spatial control (carceral and revanchist cities, for example) is just a renaming of what has always been in evidence; any study of vagrancy is a veritable history of policing and the development of legal codes (De Swaan 1988). We can choose any historical moment and identify typical expressions of spatial control; at the height of fascism, for example, Mumford, wrote about “the metropolitan regime” that regimented, constricted and replaced “real life” (Ferrell 2001; Mumford 1938), but to repeat, the process is not restricted to any one time or place. None of this is to say that current antiterrorist anxieties in our cities are unimportant, but they are no real novelty (e.g., Coaffee 2005).

Popular culture plays a role here. When it is not offering an utterly dystopian future (from *Metropolis*, to *Blade Runner*, to *12 Monkeys* and innumerable recent movies and comic books that offer a dark and bleak picture of urban terror), it offers a sentimental present, a longing for the places of easy congregation that appear in movies and television shows set in London, New York, Paris or Madrid. The ideal of café society is a romantic one; as Goodsell reminds us, it is “influenced by period motion pictures that depict lively festival markets and exhilarating street-corner speeches.” But, as he continues, “much of this public life was never lost



because it never happened” (2003, 364). This is the sentimentality of the “plaza as polis,” a backward glance to some theme park version of social life as it might occur in Disneyworld.

It is useful to be able to demonstrate how this nostalgia is fueled, by creating perpetual contrasts between the dystopic present and some imagined past. The Genovese murder in 1964 has already been mentioned. Generations of students have internalized that story as a shocking example of urban anomie. As Manning et al. observe, the case is still mentioned in every serious social psychology textbook. Yet as they also point out, the case, as it has been told and retold, is little more than an urban myth (2007). The victim was indeed murdered, one of the “horrible crimes” that Jacobs alluded to; but there is no evidence that the attack was ever witnessed, let alone that it was seen but ignored. In other words, the significance of the story was entirely manufactured, and reflected an early lament for the changing state of the city in the Kennedy–Johnson era. Moreover, because it converges with the received wisdom on urban danger, the story has been told and retold without challenge. It is, in Brill’s term, just another contribution to the “literature of loss” that is “infected with nostalgia and mourning” (Brill 1989, quoted in Goodsell 2003, 363).

This point is developed in David Harvey’s recent book *Rebel Cities* (2012). He too is clear about the perils of looking back through tinted spectacles. In describing “a wonderful ludic portrait of old Paris reanimated by a neighborhood life, with flowers on balconies, squares full of people and children, small stores and workshops open to the world, cafés galore, fountains flowing, people relishing the river bank, community gardens here and there,” he concludes that it is “a nostalgia for an urbanism that had never been.” He goes even further with the flat declaration “to claim a right to the city is, in effect, to claim a right to something that no longer exists (if it ever truly did) ... furthermore the right to the city is an empty signifier” (Harvey 2012, Introduction).

## 6. Collective Action in an Age of Social Media

The assertive claims made for the redemptive qualities of public space offer no remedies for the reality that it is a place of control (as argued above), or a place of display whose users have no progressive aims (a point made in a previous paper, in which I discussed a lengthy example of the way in which lynchings in the United States prior to the Second World War depended upon very public display to make their point and to main-

tain terror and control [Kirby 2008]). Another example is that of *Kristallnacht*, the orgy of destruction that occurred in Fascist Germany in 1938, when Jewish spaces (neighborhoods, business districts and especially synagogues) were destroyed. While it is often assumed that this violence was staged as part of the Nazis' efforts to tighten control of the German polity, new scholarship suggests that the attacks were very public displays of anti-Semitism whose ferocity surprised even the party faithful (e.g., Roseman 2012, note 113).

I have argued that serious politics—of the kind which may lead to blood in the streets—is obviously best avoided as the odds remain with the forces of legitimate violence. Successful social movements may depend instead upon methods that depend less upon assembly and more upon stealth (e.g., Coleman 1988). Even in the brief time since I first wrote, those methods have become much more of a reality, as digital media have expanded in their scope and ubiquity. There are some 6 billion cell phones on the planet, which constitute a vast network much too large to be monitored by the state apparatus. Moreover, the potential for these devices is still being explored—protesters in Iran were able to connect to sympathizers in Los Angeles who had superior GIS software and could coordinate their movements as they tried to avoid security forces.

It should be remembered that Egyptians took to the streets after their networks had formed and only when the Internet was blocked. As transnational civil society has emerged, the obligation to pursue face-to-face interactions diminishes (McLaughlin 2004). Indeed, it may be that an invigorated public sphere is one in which dendritic wireless conversations—ones that are difficult to identify and stop—predominate, in contrast to assembly in a state space, which is easily corralled. As Goodsell observes, “élites still rule, but by controlling networks, not territory” (2003).

It is clear that we cannot replace nostalgia with naïve optimism—digital technologies are no utopia. The emerging literature identifies both tensions and inconsistencies (Matei 2005; Pigg and Crank 2004; Pigg 2005). It cannot, as yet, apply to everyone, insofar as there are many who remain shackled to physical space, and they will continue to face harassment. Those who are homeless, to return to that particular population, are, indeed, often swept from view in the surveilled city—although it is well worth emphasizing that the solution to the homeless problem is not a reinvigorated public space—it is the right to affordable housing.

Nonetheless, the research in this arena is exciting: social media are derided for their trivialities and their meager substitution for real life, but there is no question that they can also support much more important pro-

jects. Information and communication technologies are used by individuals and groups in seemingly spontaneous contexts, ranging from protest to information transfer in settings where other sources of information have collapsed, such as natural or technological disaster. It seems that this is indeed the future of social action (Kwon et al. 2011a, 2011b; Stefanone et al. 2013).

## 7. Conclusion

Once we permit ourselves to overcome our spatial nostalgia, we can develop a powerful thought experiment about an alternative urban landscape. By putting to one side our nostalgia for traditional downtowns and related public spaces, we can start to explore different kinds of relations. What would the city and its neighborhoods look like if, for instance, there were religious districts (rather than isolated places of worship) that served the city in the same manner as do sports complexes? What if social relations depended less upon face-to-face contact but more upon networks of interest maintained by social media and the like? What if more of our neighborhoods were structured by codes, as is the case in private subdivisions, where neighbors are held to certain standards of behavior regardless of their sexuality, religion, ethnicity or other source of difference? (Kirby and Glavac 2012).

The aim of this chapter is to suggest that it is overly optimistic to believe that we can redesign our cities to a blueprint in order to produce a society of organic relationships. In other words, we cannot expect that certain kinds of neighborhoods or certain forms of public space will generate certain types of social relations—and, ironically, it was exactly that kind of belief that Jane Jacobs opposed when she went up against spatial planning in the last century. So, this chapter argues strongly for tolerance but also argues for the recognition that if something is important to a society then it must be sought directly, not by indirect methods of design and planning, and not least if the latter rest upon vague and inconsistent principles.

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# **A Right to a Mosque? Access to Public Space, Religious Freedom and Participatory Goods\***

*Emanuela Ceva and Federico Zuolo*

## **1. Introduction**

Space is a scarce resource over which competing claims are typically made. Should space be allocated for the realization of a shopping center or of a power plant in a heavily polluted area? How can we justify the construction of a rubbish dump in any given area against “not-in-my-backyard” kinds of argument? What criteria of urban planning should inform the allocation of space to different religious groups for the construction of places of worship? Such conflicts over the allocation and use of space become particularly vivid in societies inhabited by what John Rawls (1993) famously called “the fact of pluralism”: the presence of a deep-rooted disagreement between the holders of different, and possibly incompatible, conceptions of the good informed by heterogeneous ethical and religious doctrines. In such circumstances, competing claims over space make religious and ethical pluralism visible and require shared criteria to establish, for example, what environmental ethical concerns should inform urban planning and what religious group is entitled to what space to carry out its rites and under what conditions of use.<sup>1</sup>

A case in point to illustrate the latter kind of conflict, which has sparked a very heated debate across Europe, concerns Muslims’ claims to

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<sup>1</sup> In this introduction, and throughout the paper, we make use of the term “space” to mean “public space” or at any rate space over which the state has some jurisdiction concerning the criteria for its allocation and use. Considerations on the use of purely private space do not apply. For a typology of space see Chiodelli and Moroni 2014.

space for building mosques. Although all countries of the European Union have recognized the right to freedom of religion in their constitutions, Muslims' claims to space for the construction of mosques have been met by diffidence, if not opposed, by citizens and local administrations. Conflicts have revolved around the allocation of public funds and space to Muslim communities for the realization of dedicated places of worship, but they have also concerned the authorization of projects either funded directly by Muslim communities, or by some foreign state on space already owned by the claimants. The obstacles encountered by Muslims regard a range of issues including concerns of public security, as well as symbolic arguments for the preservation of the identity of public space and landscape (this seems to be the rationale behind the recent Swiss ban on building mosques with a minaret).<sup>2</sup> As a result, the number of "purpose-built" mosques (with a minaret, a dome and adequate places for men and women to get ready and pray separately) is rather small across Europe, and many Muslims are left to gather to pray in so-called "back-yard mosques": former industrial buildings, rented commercial buildings, gyms and privately owned cellars, often left in very precarious and unsafe conditions.<sup>3</sup>

This case seems particularly interesting because it constitutes a clear instance of issues of accommodation of (religious) pluralism in the public space. What is more, reference to space here does not merely concern the *site* where the conflict occurs, but it also qualifies the *matter* of the conflict, which concerns the religious use of space. Such a combination of factors makes the conflict over the building of mosques in Europe not only a telling example apt to illustrate issues of pluralism in the public space, but an important case in point. On this ground, this case seems to be of interest to sociologists and political and urban experts as it raises thorny issues of practical accommodation of Muslims' claims to space at the social and institutional level. But it also poses an important challenge to philosophers concerning the nature of the claim and the appropriate institutional response it deserves: do Muslims have a claim right against the state to some dedicated space for building mosques?

Nobody in a liberal democracy would deny that every person has an individual right to freedom of religion. Such a right is correctly considered

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<sup>2</sup> A referendum regarding the ban on the construction of new minarets was held in Switzerland in November 2009 and was approved by 57.5% of participating voters.

<sup>3</sup> For further details, see Allievi 2009. For a discussion of the debate over mosques as raising issues of social toleration, see Galeotti 2011.



part of the first generation of liberal rights and, as such, is safeguarded in all European democracies. If we stick to the traditional, individual-centered liberal perspective, we can certainly say that the individual right to religious freedom correlates to a negative duty for the state not to interfere with its exercise. But what does this mean exactly? It certainly means that, for example, Muslims should not be subjected to persecution. But can we derive from such a right some precise answer regarding Muslims' right to space for building mosques? Hardly so. One could argue that Muslims have a liberty right to space in the sense that Muslims as individual citizens (and, in fact, as any other member of society) are free to gather in public space—they do nothing wrong when they do so—and no one can have a claim right against them not to do it (see, for instance, Kukathas 1998). However, nothing more can be derived regarding their claim rights to space for building mosques and the correlative (possibly positive) duties of institutions. Facing such an uncertainty, it should come as no surprise that the allocation of space to Muslims for building mosques is so controversial in many countries: by appealing to their individual right to religious freedom, Muslims would seem to have very little ground to substantiate their claims and to expect that some positive action be taken to safeguard their interests. But does such an individual-centered argument based on religious freedom *exhaust* the scope of the relevant considerations one should take into account to establish whether Muslims have a claim right to space for building mosques?

Our argument aims to offer a negative reply to the question above and to suggest a more nuanced approach to the issue. It is articulated through the following steps. In part 2, we propose to make sense of the exact nature of Muslims' claims to space by means of the idea of collective prayer as a participatory good. In part 3, through reference to an interest theory of rights, we draw the implications of the conceptualization of collective prayer as a participatory good, whose production and enjoyment requires a dedicated space, on the question of whether Muslims have a claim right to such a space. We conclude by arguing that Muslims have a collective (but not an individual nor a corporate) claim right to space for building mosques, grounded in their collective interest in collective prayer, and discuss to what kinds of state's duty—negative and positive—such a right is correlated. In part 4, we conclude.

## 2. Collective Prayer as a Participatory Good

In reply to our opening question we suggest going beyond the apparently unhelpful, qua too general and indeterminate, reference to the individual right to religious freedom, and in order to approach the issue from a different perspective, capable of grasping the specific content and connotation of Muslims' claim for space. So: What is Muslims' claim for space really about? Why do Muslims ask for space to build mosques? We submit that the key to answering these questions may be found through an understanding of collective prayer—for the performance of which an adequate space, a mosque, is a necessary material condition—as a participatory good. From this perspective, we shall argue, Muslims' claim for space concerns one of the basic material conditions for the production and enjoyment of the participatory good of collective prayer.

On one of their most influential definitions, provided by Denise Réaume (1988, 10), participatory goods are presented as involving

activities that not only require many in order to produce the good but are valuable only because of the joint involvement of many. The publicity of production itself is part of what is valued—the good *is* the participation.... Participatory goods ... unite production and consumption.

Réaume's definition is formalized by James Morauta (2002, 94–95) as follows:

[A] good *G* is a participatory good if and only if *G* is constituted by an activity which requires the participation of more than one individual. It is not merely that the *production* of a participatory good (bringing it into existence or sustaining it in existence) requires more than one individual to participate in a certain kind of activity—although that is certainly true. Rather, a participatory good just *is* the activity in which those individuals participate. The activity of producing a participatory good also *constitutes* the participatory good.

In a similar vein Andrei Marmor (2001) distinguishes between collective goods, requiring some form of collective action to produce them (for example, national security), public goods, which are communal in virtue of the nonexcludability of their enjoyment (for example, clean air), and common goods, which “can only be enjoyed as goods in their communal manifestations.” These latter may be easily assimilated to participatory goods, especially considering the examples given by Marmor, language and a national culture, which are usually referred to in the literature on participatory goods as appropriate illustrations. Leslie Green (2001, 321)

calls them “shared goods,” and mentions friendship as a typical example. Jeremy Waldron (1993, 346) refers to such a kind of good as “communal goods.” Besides speaking a common language and sharing a national culture (Réaume 1994), typical examples of participatory goods include the conviviality of a party (Waldron 1993), friendship, and some aspects of games (Réaume 1988, 12). Additionally, and crucially to our concerns, “communal worship and the celebration of sacred events” are often brought to the fore as appropriate illustrations (Réaume 1988, 16; Morauta 2002, 104).

Before looking more closely at Muslims’ collective prayer as a participatory good, a couple of qualifications regarding the exact nature of participatory goods in general are in order. As said, by its definition, a participatory good is a good which can be produced and enjoyed only by a group of people. Such a reference to groups, however, should not mislead one to think that a commitment to the category of participatory goods necessarily implies a commitment to some form of communitarianism or ontological essentialism regarding the status of groups as agents. Nothing in the idea of a participatory good necessarily presupposes the existence of a group as an entity whose status is independent of its members or as a collective agent able to perform the action in which the participatory good consists. We may well think that it is the individual members of the group who attach some value to, say, speaking a shared language or performing a religious rite. However, what is essential to the idea of a participatory good is that such individual members are not merely committed to the fact of speaking a language or praying *tout court*, but, rather, to performing that action *together*. We shall revisit the individual vs. group dimension of participatory goods (and, in particular, of the rights that may be grounded in them) in the next section. However, it is crucial to clarify that a fundamental condition for a good to be of a participatory kind is its being an activity which at least two persons are jointly committed to performing together, at the same time and in the same place, and which they value precisely because they perform it together, at the same time and place.

To be more precise, both a “simultaneity condition” and a “co-presence condition” should obtain for a joint activity to qualify as a participatory good. Both conditions are individually necessary but only jointly sufficient. If only the simultaneity condition were to obtain—two or more persons performing an action at the same time—the relevant agents might well perform the activity separately: but could we call it a party if different people were just to have drinks at the same time, each of them in their own rooms in different places? Hardly so. What would be

missing from this scenario? The joint performance of the activity would be missing but that is crucial for the production of a participatory good, as per its very definition. It makes just as little sense to conceive of the participatory good of communal worship unless the relevant agents carry the rite out at the same time (simultaneity condition) and in the same place (compresence condition) as is senseless to conceive of the participatory good of the conviviality of a party should the partygoers stay in their own homes to have drinks at the same time. In either case, something crucial to making the activity valuable would be missing.

If the considerations above are sound, the way is open to present Muslims' claims to space for building a mosque as grounded in their commitment to perform jointly, at the same time and in the same place, the activity in which the participatory good of collective prayer is thought to consist. Although Muslims have a duty to perform five daily prayers (at dawn, noon, in the afternoon, after the sunset and at night) wherever they are and with whomever is present,<sup>4</sup> the Friday prayer (mandatory as a replacement of the noon prayer on Fridays) is a distinctively congregational prayer, led by an imam, whose specific value consists in its being performed together at the same fixed time (at about noon) and in the same place, a mosque, by all male Muslims resident in any given area.<sup>5</sup> The availability of a shared space in which Muslims may pray together simultaneously is not a mere corollary to their religious life, but an essential component of it since it is a necessary material condition for the participatory good of collective prayer. Therefore, Muslims' claims for space for building mosques should be regarded not only or primarily as an expression of their individual freedom of religion but, more specifically and interestingly, as claims for the realization of one of the necessary material conditions for the participatory good of collective prayer to be produced and enjoyed.

So much for the clarification of the nature of Muslims' claim to space for building mosques. What has been argued so far only explains the kind

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<sup>4</sup> The duty to perform five daily prayers (*salat*) is one of the Five Pillars of Islam alongside the profession of faith ("There is only one God and Muhammad is the Prophet of God"), almsgiving, the pilgrimage to Mecca (at least once in a lifetime) and fasting during Ramadan. See Wiegers 2004.

<sup>5</sup> The performance of the Friday prayer (*jumu'ah*) in a mosque is mandatory for all male Muslims and those who cannot (sick or disable people or those on a journey) or may not (women) attend it are explicitly exempted from the obligation to attend it, but required nonetheless to perform the "ordinary" noon prayer (*zhuhr*) instead. Able male Muslims resident in the area have an obligation to perform *jumu'ah* collectively in a mosque and may not perform *zhuhr*, individually and elsewhere, instead. See Khaliq 2002, 346.

of claim to space Muslims put forward. But do they have a claim right to such a space? If so, who is the holder of such a right and to what duties is it correlated on the part of institutions in European countries? The remainder of the chapter is devoted to addressing these questions.

### 3. The Right to Space as a Collective Right

#### 3.1. *Interest Theory vs. Will Theory*

How can we cash out the implications of our argument for the interpretation of collective prayer as a participatory good on the debate over rights? More specifically, how do we get from establishing that collective prayer is a participatory good, whose production and enjoyment requires a dedicated space, to establishing whether Muslims have a claim right to such a space?

A promising starting point seems to rely on the endorsement of an “interest theory of rights”—largely in line with the most common positions held in the debate over rights grounded in participatory goods. If our argument in the previous section was successful in showing that Muslims have a fundamental interest in obtaining some adequate space for building a mosque, grounded in their interest in the participatory good of collective prayer (for the production and enjoyment of which access to space is a necessary material condition), we can build an argument in support of Muslims’ claim right to space. The recognition of a right depends on the condition that the interest(s) of the subject(s) be capable of generating a duty in another subject to protect or promote the interest at stake (Raz 1986, 183–84). From this perspective, the relevant question (which we address at the end of the section) concerns whether Muslims’ interest in the participatory good of collective prayer is capable of generating such duties on the part of institutions.

Besides its merits and limits, which we cannot assess and discuss in this chapter, we believe that the interest theory of rights has a clear advantage for the discussion of the case at hand over its main alternative, the “choice” or “will theory” of rights: the interest theory does not need to presuppose that the community of believers is structured in such a way that it makes collective agency possible. In keeping with H. L. A. Hart’s (1955) seminal formulation, according to the will theory, a subject may be considered a right holder if she is able to control the performance of the duty owed to her. Only agents capable of exercising such a control, which

implies the capacity to make choices, can be considered right holders. If we were to adopt a perspective based on the will theory, we would be forced to choose between either embracing a reductionist stance—and argue that only individual Muslims can be the holders of a possible claim right to space—or making some assumption on whether Muslims can share some kind of collective agency as a group. The former move would be undesirable because the reduction of the calls for space for building mosques to individual claims would miss an important collective dimension, which—as argued above by reference to the idea of participatory goods—is crucial to the full understanding of such claims. The latter move would be problematic considering the specific features connoting Muslims as a “group.” Muslim communities that claim space for building mosques in Europe entirely lack the status of formalized organizations, endowed with decision procedures, which—as many point out—are crucial to transform individual decisions into collective ones and, on this basis, to make sense of the group agency presupposed by a will theory of rights.<sup>6</sup> Muslim communities are not organized hierarchically (like the Catholic Church), but have the status of an informal group whose unity “merely” derives from a shared set of convictions (the Five Pillars of Islam).<sup>7</sup>

These considerations are not to provide any kind of general argument in favor of the interest theory or against the will theory of rights. Our claims have been quite circumscribed and instrumental to our present purpose: to offer a plausible and nuanced framework within which to think of our initial question about whether Muslims have a claim right to space for building mosques. To tackle this question in a satisfactory manner we have argued that an approach grounded in the interest theory of rights has two major advantages over one grounded in the will theory: (i) it focuses on the specific nature of Muslims’ claims for space for building mosques as grounded in their fundamental interest in the participatory good of collective prayer (rather than on their disputable capacity for group agency); and (ii) it enables discussion of whether their possible right to space, grounded in their interest in the participatory good of collective prayer, is individual or collective (avoiding assuming either a reductionist stance or one based on a disputable account of group agency from the start).

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<sup>6</sup> The most recent formulation of this theory is held by List and Pettit 2011.

<sup>7</sup> For a discussion of the sense in which “conviction-based informal groups” may exercise some kind of agency, see Zuolo 2013.

### 3.2. *What Kind of Rights May an Interest in Participatory Goods Ground?*

Against this backdrop, we turn to the question of the kind of right Muslims' interest in the participatory good of collective prayer is capable of grounding. In order to do so, we start by offering a brief overview of the current debate over rights as grounded in an interest in participatory goods. This overview will constitute the backbone of our argument.

Denise Réaume and Jeremy Waldron have argued that as a participatory good is a good that can be produced and enjoyed only by groups of individuals—who perform the relevant activity jointly and simultaneously—the right to a participatory good can be held by groups but not by individuals alone. Let us examine their arguments in turn. Waldron's (1993, 359) take goes as follows:

[I]f there are communal [i.e., participatory] goods and if there is a duty to promote them, it cannot be a duty grounded in benefits accruing to any one individual or to a class of individuals considered severally. The duty to realize such goods must be grounded in an adequate characterization of their desirability, and that is their worth to members of the group considered together and not as individual recipients of benefit... Since no adequate account of its desirability can be pinned down to either X or Y or Z, there can be no *point* in saying that it ought to be pursued as X's or Y's or Z's right.

So, according to Waldron, crucial to the understanding of the rights grounded in participatory goods is the idea that the value of such goods may be appreciated only in terms of the benefit accruing to the group as a whole, rather than to specific (and hardly identifiable) individuals within it. In other words, the communal interest the group members have in the shared performance of the activity, in which the participatory good consists, is what is in need of protection through the recognition of a claim right. This cannot be reduced to the cumulative benefits accruing to the individual group members considered severally. According to Waldron (1993, 356), for example, the value that each individual attaches to conviviality cannot be measured for each individual nor understood if we consider individuals severally because “the enjoyment I experience ... is something which in its felt character looks beyond its embodiment in me to its embodiment in others. And the enjoyment in them that it looks toward is similarly not confined to their individuality, but refers back and forth to others.”

Waldron's argument is exposed to a serious weakness insofar as it relies on the *de facto* practical impossibility of weighing the relative desirability for each individual of the realization of the relevant participatory

good. However, it does not rule out in principle the conceptual plausibility of conceiving of rights grounded in participatory goods as individual rights, should such a *de facto* impossibility be overcome.<sup>8</sup>

Réaume (1988, 11) provides a more general, conceptual route to arguing against a reductionist approach to rights grounded in participatory goods. Her argument is straightforward: an individual cannot have a right to the activity in which the participatory good is thought to consist because, by definition, such an activity cannot be enjoyed as an individual. Although Réaume's point is made in a very condensed manner, it seems that her argument runs as follows. By definition, the production and enjoyment of participatory goods occur at the same time. Individuals cannot produce participatory goods on their own, and this fact makes individuals also incapable of enjoying them on their own. Therefore, on the basis of an interest theory of rights to which Réaume subscribes, individuals severally cannot have an interest in participatory goods and therefore no right to them.

Réaume's conceptual argument has attracted a radical criticism by James Morauta who sets out to demonstrate that the main assumption underlying it is false. According to Morauta, holding a right implies having the capacity to exercise the control over such a right. By exercising control over a right, Morauta means being capable of waiving or enforcing the application of said right. So if there is a reason why individuals cannot be the holders of rights grounded in participatory goods that must be because individuals—severally—cannot exercise such a kind of control over such a kind of rights (Morauta 2002, 98, 101). But this, Morauta's argument continues, is false because there is no conceptual reason why we should think that individuals are unable to exercise such a kind of control severally. In particular, for Morauta, it is certainly conceptually possible to attribute to an individual the power to demand that other people take the necessary actions for preventing interference that are necessary to bring about the relevant participatory good.<sup>9</sup>

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<sup>8</sup> The very idea behind this argument, that it is impossible to identify the individual recipients of the benefits of the realization of a participatory good, was challenged by Tamir (2003, 201–2).

<sup>9</sup> “[C]onsider again the case of a religious ceremony which is a participatory good constituted by the activity of a certain group... Bringing about such circumstances may require action by many people—e.g., it might be necessary for the state to prevent others from interfering or intimidating the members of the group. But, once again, it *is* possible to give an individual the power to demand that people take those actions—e.g., it *is* possible to give an individual the power to demand that the state prevent interference or intimidation” (Morauta 2002, 108).



Morauta's critique of Réaume's argument presents at least three main problems. To start with, he mixes elements of an interest theory of rights (rights protect interests in participatory goods) with those of a will theory (we hold a right only to the extent that we have the capacity to exercise control on its fulfillment) without clarifying the exact relation between the two. Second, but relatedly, he stipulates that to hold a right means to be capable of waiving or enforcing its realization, but he does not offer any argument to explain why we should think this is a plausible understanding of a right, and in particular of a right grounded in participatory goods from the perspective of an interest theory. From this perspective, having a right does not mean to hold some control over the benefit of such a right, but to hold an interest which is strong enough to hold other persons under a correlative duty. Specifically, outside a strict version of the will theory, to which Morauta does not seem willing to subscribe, there seems to be no conceptual consideration preventing the possibility that a right be held by a subject (in this case, a group), although it is exercised (controlled) by another (in this case, an individual). A standard example is that of the rights of minors whose control capacity is exercised by the parents or a guardian.<sup>10</sup>

Last but not least, even if Morauta were successful in showing that it is conceptually possible to understand rights grounded in participatory goods as individual rights, despite the perplexities above, he does not give any reason against understanding them (also) as collective rights and, above all, he cannot exclude (and in fact he does not consider) that one may give normative reasons to think that groups may be the holders of such rights. A strong argument on the nature, whether individual or collective, of the rights grounded in participatory goods should be capable of combining *de facto* considerations (to which Waldron's argument is limited) with conceptual ones (as in the case of Morauta's critique of Réaume) as well as normative ones (of which Waldron, Réaume and Morauta all are neglectful) in order to show why it is or is not normatively plausible to understand rights grounded in participatory goods as individual rights.<sup>11</sup>

<sup>10</sup> Morauta himself is aware that his Control Thesis has problems to make sense of the case of the rights of minors, but he leaves this difficulty aside (Morauta 2002, 100).

<sup>11</sup> Narveson (2001) and Hartney (2001) argue against group rights grounded in participatory goods from a normative perspective. According to them, the ultimate and irreducible measure of value is the well-being of individuals. Participatory goods are valuable insofar as their realization produces benefits accruing to individuals severally. We have no room to discuss Hartney's argument in any detail here, but we shall present in what follows an alternative position that counters Hartney's arguments.

So, against this backdrop, where do we stand? When we try to answer the question of whether individuals severally, rather than individuals jointly, can have an interest in a participatory good, capable of generating a right, the bottom line is whether even an individual on her own could be the holder of such an interest. So, can an individual on her own have an interest in a participatory good capable of generating a right? We suggest that an accurate response to this question requires distinguishing between two questions: (1) whether individuals severally can hold an interest in, capable of generating a right to, the existence of a participatory good, and (2) whether individuals severally can hold an interest in, capable of generating a right to, the material conditions for the production and enjoyment of a participatory good.

To start, can individuals severally have an interest in the *existence* of a participatory good, that is in the actualization of the activity in which the participatory good is thought to consist? Conceptually this seems entirely plausible. For instance, an individual alone can have an interest in the existence of a party characterized by conviviality. This means that it is conceptually plausible to think that an individual alone has an interest in other friends accepting her invitation to gather at her home, bringing some drinks and talking to each other in a friendly atmosphere. But should we think that such an individual has an interest capable of generating a right to the existence of that party, would we also say that other possible participants (e.g., her friends) are under a correspondent duty to participate? If we look at the matter from a normative perspective, the establishment of an individual right to the existence of a participatory good could lead to implausible implications. To the extent that an individual right to a participatory good is thought as a claim right generating positive duties for other persons, and notably the duty to join the interest holder in producing the participatory good, this seems to lead to a conclusion unacceptable from any liberal perspective because it violates the fundamental liberties of others (notably their freedom of association). This is particularly the case if we consider typical participatory goods (playing together, participating in a party, etc.) whose nature consists in and desirability derives from the voluntariness of the persons taking part in them.

Can individuals severally have an interest in, capable of generating a right to, the material conditions for the production and enjoyment of a participatory good? This does not seem plausible because, by definition, participatory goods cannot be produced and enjoyed by individuals severally. Our point should be seen as a specification of Réaume's (1988, 11) argument according to which "an individual cannot have a right to such an activ-

ity [one which constitutes a participatory good] because it cannot be enjoyed as an individual.” Consider the following example. Let us assume that an individual alone has an interest in producing and enjoying the participatory good of playing football, and that such an interest is capable of generating the right protecting it. Now, to play football, a referee and a football pitch are certainly among the necessary material conditions. From this it follows that such an individual would also have an interest in having a referee and a football pitch. But if she had such interests, should we conclude that the individual *on her own* would have the right to a pitch and to a referee to play football? The response should be in the negative because if these rights were granted, she would not be in a position to exercise them, nor to produce and enjoy the related participatory good of playing football. The underlying assumption, in line with the basics of an interest theory of rights, is that, to be a right holder, a subject must be capable of enjoying that right, or at least benefiting from it. As an individual on her own could not enjoy or benefit from a right to a football pitch and a referee, she cannot have a right to them.<sup>12</sup> Moreover, the individual’s interest in playing football would not be a plausible basis for holding 21 other persons under a duty to join her in the production and enjoyment of the participatory good of playing football. Indeed, as explained above, holding other persons under such a duty would be an unacceptable implication for any liberal.<sup>13</sup>

So, to wrap up, it seems that individuals severally may hold interests in the *existence* of a participatory good, but, were such an interest protected with a right, this would have unacceptable implications threatening the liberties of others (who could be held under a duty to join the right holder in the activity in which the participatory good is thought to consist). Individuals severally cannot hold an interest in, capable of generating a right to, the material conditions for the *enjoyment and production* of a participatory good because no participatory good, by definition, can be produced or enjoyed by an individual on her own (as illustrated by the football example above). From this it follows that individuals severally have neither

<sup>12</sup> It might be objected that there are certain rights—for instance, those associated with the respect of a promise whose beneficiary is a third party—whose holder is different from the holder of the interest for the protection of which the right is generated. If so, there would be cases in which the property of being the right holder (for instance, in a promise) and the capacity to benefit from that right are disjunct. To this objection it might be argued that even in this case the promisee benefits from the honoring of the promise (on this, see Jones 1994, 31). This is a general external objection to the interest theory which we shall set aside given our decision to work within the boundaries of this theory.

<sup>13</sup> On this, see Morauta 2002, 105, and Preda 2013.

a right to the production and enjoyment of the participatory good (playing football) nor to the material conditions for its enjoyment (the referee and the football pitch).

Individuals considered *severally* cannot have an interest that can be protected with a right, whereas individuals considered *jointly* can have such an interest which demands protection through a collective right, because individuals jointly can satisfy the condition of being capable of enjoying the participatory good protected by the right. Stripped to the bone, our argument is that individuals considered jointly (but not severally) can have an interest in the material conditions for the production and enjoyment of a participatory good, and such an interest may ground a collective (*prima facie*) claim right to such material conditions. In so arguing, we understand collective rights as rights held jointly by a collection of individuals and not by a group as an entity which transcends its individual members (corporate conception of group rights). Following Peter Jones (1999, 377), the main difference between the collective and the corporate conception of group rights resides in their different positions on the “locus of moral standing”: “[T]he collective conception locates moral standing in the several individuals who jointly hold a right, while the corporate conception locates it in the group conceived as a single unitary entity.”

From the perspective of the collective conception, in order to bestow the status of a right holder on a group, we do not need to assume or argue for the capacity of a group to share unitary agency and an ontological status separate from the aggregation of its members (as in the corporate conception). We need only argue that a collective, that is a set of individuals jointly considered, hold an interest in a specific matter (which they could not hold considered severally) that is capable of generating a right.<sup>14</sup>

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<sup>14</sup> We should like to specify also that our position on collective rights does not necessarily map onto the one proposed by Joseph Raz. For Raz, a “collective right exists when the following three conditions are met. First, it exists because an aspect of the interest of human beings justifies holding some person(s) to be subject to a duty. Second, the interests in question are the interests of individuals as members of a group in a public good and the right is a right to that public good because it serves their interest as members of the group. Thirdly, the interest of no single member of that group in that public good is sufficient by itself to justify holding another person to be subject to a duty” (Raz 1986, 208). Although Raz’s theory of collective rights is not our prime critical target here, we should like to stress two main problems affecting his account: it unduly restricts the domain of collective interests to public goods (for a discussion, see Marmor 2001), and it risks attributing too much normative weight to the size of the group, which may have implications threatening individual rights insofar as the argument shares the logic of utilitarianism (see Jones 1994, 369).

In this sense, twenty-two persons sharing an interest in the material conditions for the production and enjoyment of the participatory good of playing football may have a collective right (*prima facie*, as other considerations may kick in to limit it) to a referee and a football pitch.

### 3.3. *Do Muslims Have a Claim Right to Space?*

On the basis of the reasoning above we can argue that Muslims have a collective right to space for building mosques grounded in their collective interest in the material conditions for collective prayer (as one of the main Pillars of Islam). The argument may be synthesized as follows:

- if
  - a. The very category of a “participatory good” makes sense.
  - b. A participatory good is an activity which must be performed at the same time (simultaneity condition) and in the same place (co-presence condition) by the relevant individuals.
  - c. Individuals can have an interest in the material conditions for producing and enjoying a participatory good only if considered jointly (as a collective) but not severally (as individuals).
  - d. Individuals’ joint interest in the material conditions for producing and enjoying a participatory good can ground a collective right (*prima facie*) to such conditions.
- and
  - e. The Islamic collective prayer is a participatory good requiring a dedicated space for its realization (as argued in Section 2).
- then
  - f. Muslims, considered jointly but not severally, can be thought to hold a (*prima facie*) claim right to space for building mosques as a material condition for the production and enjoyment of the activity of collective prayer.

If considered severally, Muslims can have no interest in the material conditions for the production and enjoyment of the participatory good of collective prayer as, qua individuals, they could not produce nor enjoy such a good in the first place: failing its congregational dimension, the specificity of the Friday prayer is lost and it would simply be an ordinary “noon prayer.” Muslims’ interest in having a dedicated space for performing the Friday prayer, jointly and simultaneously, is held by them as a collective and therefore it cannot generate an individual right to space to protect it but a collective one (in the noncorporate sense explained above).

So far, so good. But to what duties is such a collective right correlated? Our reply is twofold. As regards the rights held against institutions, we argue, on the one hand, that the collective claim right to space for building mosques is correlated to a negative duty of institutions not to interfere with the building of mosques. Muslims are not solely at liberty to use space for building mosques but they hold a claim right against the state not to interfere while they do so. Although this may sound like a modest conclusion for our long philosophical journey, in fact we think it has a major political and social implication: current debates on the building of mosques are illegitimate (just like debates on whether people should be granted freedom of expression or association) as they fail to recognize such a claim right. The recognition of this claim right not only prevents the possibility of questioning Muslims' right to request space to build mosques, but it also implies the illegitimacy of the behavior of certain local authorities, which withhold permissions for the construction of mosques on the basis of the fancied importance of, more or less genuine, bureaucratic impediments. This is not to argue that Muslims' right to space is absolute. The right is better understood as a *prima facie* one. Debates over the limits and conditions of its realization are legitimate and in order. However, what cannot be the object of a debate is their holding such a *prima facie* right at all.<sup>15</sup>

Is the collective right to space for building mosques correlated to a positive duty of institutions to take action to provide such a space? An affirmative answer is conditional upon showing that the interest in the participatory good of collective prayer is as fundamental as those usually held in a democracy to instantiate positive duties on the part of institutions (e.g., interest in health, security). This seems to be verified in the case of Muslims requiring space for building mosques. Indeed, as mentioned in section 2, the Friday congregational prayer has special importance to any Muslim male for whom it is mandatory to perform collectively in place of the "noon prayer" as part of the five daily prayers which make up one of the Five Pillars of Islam. Lacking this condition male Muslims would be incapable of complying with one of the grounding duties of their religious commitment and identity. So conceived, their interest in the participatory good of collective prayer seems capable of generating a right to space correlative to a positive duty of institutions to provide such a space.

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<sup>15</sup> On this problem, see the telling example of the lack of a mosque in Milan. As explained by Mocchi (2011), local authorities in Milan have deployed a number of bureaucratic strategies to block or delay the permission to construct mosques.

A further issue, typically addressed in discussions of group rights, concerns the correlative duties of those individuals who are either inside (members) or outside (nonmembers) the group. Although the issue of the duties of individual insiders and outsiders is a crucial concern to a general theory of collective rights grounded in participatory goods (Jones 1999, 371ff), we do not think it is particularly urgent to address in relation to our case in point. As regards the duties of insiders, we have already seen that all Muslim males have a duty to join in the performance of the Friday congregational prayer. However, this is a religious duty, which is not derived as a correlative to Muslims' collective right to space for building mosques as a condition for the enjoyment of the participatory good of collective prayer (the duty is in fact prior to the right). What about the duties of outsiders? Given the specific religious nature of the good at stake and the absurdity of thinking of a duty of conversion for non-Muslims, it seems that individual outsiders may be held under a negative duty of non-interference with the exercise of Muslims' collective right to space for building mosques (for instance, by boycotting building projects). Any more positive duty is mediated by the duty of institutions to provide the necessary space.

#### **4. Conclusion**

To conclude, our chapter was not meant to provide a general theory of group rights, neither was it meant to arbitrate between the will theory and the interest theory of rights. Rather, our aim was a more limited one, namely that of demonstrating that Muslims have a right to space for the construction of mosques, and that such a right can be attributed only to Muslims considered jointly, as a collective. However, despite its specific nature, our argument has shown that proper collective rights, that are not reducible to individual rights, can be accounted for and also grounded in a theory that does not assume groups as freestanding entities.

In so arguing, we have not made any claim to the effect of granting Muslims, or any other religious group, any group-differentiated set of rights, or differential treatment. Specifically, we did not intend to argue in favor of granting special group-differentiated rights to space for reasons of differential treatment that apply to one group (say Muslims) and not to other groups. Rather, we have argued for a potentially universalizable right to space for all those who hold an interest in a relevant participatory good along the lines of reasoning we have suggested here for Muslims. As

mentioned at the beginning, although the case of mosques presents certain specificities, it is relevant as a case of accommodation of (religious) pluralism in which the public space is not only the site where conflicts occur, but also the object of dispute. A principled response to this issue, holding that Muslims collectively have a claim right to the space for the construction of mosques, rules out as illegitimate the debates questioning the very existence of such a right and shows the correlate positive and negative duties on the part of institutions.

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# Urban Space and Respect for Persons: Making Sense of Pluralism in Cities

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## 1. Introduction

Multicultural cities represent one of the most important features of contemporary societies and constitute a setting in which people must live together even when they might be committed to different, and even conflicting, values and ideals. Although cities may be ideal settings for majority and minority populations to peacefully interact while mutually acknowledging one another as equals, minorities are often deeply disadvantaged, and differences are likely to create conflicts and lead to acts of intolerance that undermine social justice and cohesion. Instead of being included and acknowledged as equals, minorities are often marginalized and suffer deep injustices. It may be argued that the process of urban exclusion is based upon economic inequalities among the inhabitants of a city, affecting all inhabitants—not members of minorities exclusively—and that minorities are excluded simply because they are frequently among the most economically disadvantaged. If this were the case, an inclusive urban space could be achieved through (re)distributive policies (for example, through neighborhood revitalization, public housing and public transportation). Although processes of urban exclusion commonly rest primarily on distributive inequalities, I challenge the idea that such processes can be wholly reduced to these inequalities and addressed solely through (re)distributive policies. Urban space, in fact, is not simply a scarce resource to be fairly distributed among the inhabitants of a city; it also embraces and conveys values and ideals that affect the worth inherent in all its inhabitants and their life plans.

Because public spaces are shaped by political decisions, urban exclusion results, at least in part, from the deep asymmetry of power, particularly political power, that characterizes the minority–majority relationship

in an unjust sociopolitical context. This asymmetry leads to fewer opportunities for minorities and a lack of public recognition of the equal status of minority members. Members of minority groups are not treated as autonomous individuals who are able to define what is best for themselves and for the city in which they live; instead, they are considered passive recipients of urban policies for which others are responsible. To overcome this relational injustice and to achieve an inclusive urban space, I argue that the decision-making process for urban policies should rest on democratic ideals that guarantee that all inhabitants have the opportunity to participate on equal footing (Beitz 1989; Dworkin 2000, 184–210). This aim has traditionally been pursued either by requiring active and direct involvement of citizens in the decision-making process (through participatory democracy: Barber 1984; Fischer 1982; Pateman 1970) or by giving a voice to minorities and supporting differences (through a politics of difference: Young 1990 and 2000; Frye 1983; Gilligan 1982; Rothshild 1981). Although these approaches are quite influential in recent debates and provide the justification for many urban policies aimed at ensuring an inclusive urban space (i.e., participatory processes of urban regeneration and direct support for cultural differences), they cannot ensure full inclusion of minorities in urban spaces.

The participatory approach, which is based on the idea of a community of equals who are fully transparent to one another, underestimates the pluralism of values that characterizes contemporary society. The politics of difference, which is more sensitive to the multicultural nature of society, ensures that minority members are treated as equals and are embraced by the majority group. However, this idealized picture is not only demanding but also illiberal in that it requires that people not only acknowledge the legitimacy of diversity but that they not privately dislike differences.

I argue that an inclusive urban space might be achieved by developing an account of equality grounded in the notion of recognition respect (Galeotti 2010a and 2010b; Darwall 1977 and 2004; Balint 2006). This approach does not require that individual residents participate in the decision-making process, but only that they have equal opportunity to do so. It also does not require that differences are appreciated but only that they are recognized as legitimate. Thus, a respect-based account of equality justifies an inclusive urban space in which everyone can pursue her life plan and is considered equal.

This chapter proceeds as follows. In the first section, I analyze the inequalities that characterize urban space. I then focus on the nondistributive

causes of the processes of urban exclusion. I assert that nondistributive urban exclusion arises from the subordination of minorities to the political will of the majority and that this entails a misrecognition of their status and of their values. In the second and third sections, I analyze and reject participatory democracy and the politics of difference as a means to ensure and justify equality among the inhabitants of a multicultural urban space. In the fourth section, I suggest that equality grounded in the notion of equal respect can achieve and justify social inclusion without incurring the pitfalls of participatory democracy and the politics of difference. In the final section I suggest some policy guidelines that flow from my account by focusing on the policies implemented in a multicultural neighborhood in Turin.

## **2. Urban Space, Marginalization and Public Voice**

Over the past two centuries, cities have played a progressively more fundamental role economically, socially and symbolically in society. Nearly 80% of the population in developed countries now lives in urban communities, and the economic activities in most developed countries are concentrated in urban centers.<sup>1</sup> Increased urbanization is not limited to older industrialized countries but is actually most noteworthy in recently developed and developing countries in which urban growth is rapidly occurring, which tends to widen an already broad economic and social gap between urban and rural areas in such countries. If urbanization and urban development represent important socioeconomic phenomena, normative theories of social justice must aim to provide inclusive urban spaces in which everyone has equal opportunity to pursue her life plans according to her values and interests. Achieving this egalitarian and inclusive ideal of city life involves overcoming distributional and relational inequalities among urban inhabitants (Fraser 1995). Unfortunately, reality does not reflect this idealized egalitarian representation: whereas cultural differences frequently foster tensions and conflict among groups of urban inhabitants by undermining the stability of multicultural neighborhoods,<sup>2</sup>

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<sup>1</sup> According to the UN's Department of Economic and Social Affairs, Population Division (2014), approximately 75% of Europe's population and more than 80% of the North American population lives in cities.

<sup>2</sup> Although urban inhabitants are more likely than nonurban inhabitants to recognize the existence of persons and groups with values and interests different from their own, the

urban planning hides the mechanisms of income redistribution (e.g., differential quality of public transportation, neighborhood proximity to noise, pollution, or other negative features; and access to workplaces) that affect inhabitants' opportunities (Harvey 1973). Thus, it can be argued that urban space is a scarce resource that should be fairly distributed among all inhabitants, including those who might be marginalized without fair access to this resource. According to this perspective, urban marginalization is exclusively the result of these economic inequalities, which should be addressed through distributive policies.<sup>3</sup> Although the distributive dimension of urban marginalization is undeniable, a more fine-grained perspective ought to also take into account nondistributive dimensions.

In particular, because urban spaces are shaped by urban policies that are affected by the way in which people interact in the political sphere, when individuals or groups are systematically excluded and have few opportunities to participate in the decision-making process, such inequality exacerbates urban exclusion. Political inequalities and asymmetries in political power thus have an important impact on urban marginalization.

Some might argue that because any asymmetry in political power among urban inhabitants has an obvious indirect economic effect (if the urban setting affects people's opportunities and urban settings are shaped by the political power held by individuals in the city, those with less political power will have fewer opportunities), political inclusion must be considered one of those scarce goods that should be fairly distributed among inhabitants. However, the unfairness of political asymmetry cannot be reduced simply to the distributive inequalities that this asymmetry causes.<sup>4</sup> Rather, the subordination of the least advantaged groups affects

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recognition of such differences does not necessarily increase their tolerance for minorities but can instead foster violence and fear among members of the majority. See Biale 2010, 79–96. I define “minorities” here to mean groups of individuals defined by features attributed to them by the majority. These features cannot be easily modified and typically carry negative connotations.

<sup>3</sup> To clarify the role and content of social justice as distributive justice, see Rawls 1971; Dworkin 2000; Van Parijs 1995; Cohen 2008.

<sup>4</sup> To clarify the distinction between distributive and nondistributive (or status) inequalities, it is useful to consider the classical analysis of Fraser who distinguishes between two broadly conceived, analytically distinct understandings of injustice. “The first is socio-economic injustice, which is rooted in the political-economic structure of society. Examples include exploitation (having the fruits of one’s labor appropriated for the benefit of others), economic marginalization (being confined to undesirable, poorly paid work or being denied access to income-generating labor altogether), and deprivation (being denied an adequate standard of living). The second kind of injustice is cultural and sym-

the status publicly conferred upon them. Even if the most powerful individuals took into account the interests of marginalized individuals and groups and the outcome of this unfair political process were an equal distribution of opportunities, the least advantaged members would continue to be subordinated to the political will of the majority and their equal status would not be publicly recognized.<sup>5</sup> These individuals would not be treated as equal, autonomous individuals capable of defining what is good for themselves and their community, but as passive recipients of public policies for which others are responsible.

This condition of subordination and misrecognition is represented by minority members (e.g., migrants, national and cultural minorities, disabled persons, and elderly individuals) in a context in which “majority” does not mean simply having greater opportunities, but also having political and symbolic power. Members of a minority group are publicly acknowledged as less than full individuals and their values are not considered as worthy to pursue as those of the majority—although these values might be tolerated if they do not challenge the standards of the majority. To understand the association between the distribution of political power and the publicly acknowledged worth of majority/minority values, it might be useful to consider that the majority’s intolerant attitudes toward marginalized groups frequently surface when minorities attempt to influence the political agenda. If marginalized groups do not challenge their subordination and/or insist that their values be publicly acknowledged—preferring to pursue them in private—the majority is more tolerant of the marginalized groups’ values and differences.<sup>6</sup> However, once minorities make public demands (such as a public space for a mosque), the majority feels threatened and wields its greater political power to maintain the status quo and uphold inequalities.

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bolic. It is rooted in social patterns of representation, interpretation, and communication. Examples include cultural domination (being subjected to patterns of interpretation and communication that are associated with another culture and are alien and/or hostile to one’s own), non-recognition (being rendered invisible via the authoritative representational, communicative, and interpretative practices of one’s culture), and disrespect (being routinely maligned or disparaged in stereotypic public cultural representations and/or in everyday life interactions)” (Fraser 1995, 70–71). For further readings on the distinction between distributive and non-distributive inequalities, see Fraser and Honneth 2003; Taylor 1992; Fraser 1998, 2000.

<sup>5</sup> On the idea of domination, see Pettit 1997.

<sup>6</sup> Galeotti (2012) rightly claims that this kind of tolerance is disrespectful because it does not entail the acknowledgement of people’s equal worth.

To conclude, although urban marginalization is primarily caused by economic inequalities, it also involves the equal standing of individuals and opportunities to participate in—and effectively influence—the political debate over urban policies. Including each inhabitant on an equal footing within the decision-making process for urban policies would ensure public acknowledgement of each inhabitant as an equal and her values as having equal worth. A society that aims to establish an inclusive urban space must implement distributive policies and democratize urban planning (Wolff 1998; Anderson 1999; Scheffler 2003).

### **3. Equality, Participation, and Difference**

The preceding analysis establishes that inclusive cities must not only fairly distribute urban space among inhabitants but also acknowledge such inhabitants and their values as equal. To achieve this aim, I argue that urban policies ought to be democratically selected and that every member of the city should be included on equal footing in the decision-making process for urban policies. Which democratic model can ensure the inclusion of all inhabitants in the urban decision-making process? How can including people who have varying and conflicting values foster respect for differences rather than promote instability and conflict among the parties?

An initial response to these challenges may be the liberal model of democracy according to which the inclusion of each inhabitant within the decision-making process on an equal footing requires fair procedures. According to this approach, each inhabitant must have equal opportunity to influence the decision-making process and the outcomes of this process should be determined exclusively by individuals' preferences and interests that are fairly aggregated. According to this perspective, democracy is valuable and its decisions legitimate not because democratic decision making yields the right results, but because everyone's interests and preferences are considered equally and because no inhabitant is deemed a better judge of preferences and interests than anyone else. This highly inclusive approach is consistent with the liberal ideal that ensures a private sphere in which individuals can form and develop their preferences and values and in which no claim is excluded unless it is inconsistent with values that justify their inclusion (i.e., no inhabitant can decide the set of options from which the collective choice must be made, no inhabitant can deny another the right to participate in the decision-making process, and no inhabitant can concentrate all the resources) (Dahl 1956). This proce-



durally fair decision-making process addresses differences and conflicting values by ensuring impartiality and fostering tolerance among participants in the decision-making process.

Although this approach seems reasonable, it has been often criticized because it conveys an impoverished idea of democracy that cannot uphold the interests and values of the most marginalized individuals and groups. I will discuss these critiques by showing that they rightly underscore that this model of democracy cannot ensure an inclusive urban space in which differences are publicly acknowledged as equally valuable and people are considered as equals.

First, this proposal conveys an idea of democracy in which people are treated as equals because their claims have equal chance of being selected. If equality in selecting individuals' proposals were the only aim of a fair decision-making process, then random procedures could fulfill this requirement and be considered legitimate alternatives to democracy. Moreover, because there is no standard against which to judge people's proposals, each proposal must be admitted and considered of equal value. Thus, people can ground their claims in their interests and adopt strategic behavior to support their interested proposals. If there is no standard against which to assess people's claims and they are able to support strategically interested proposals, they would aim to maximize their own interests rather than striving for the common good. This idea of democracy is unsatisfactory because it is grounded in a conception of "the equality of boxers placed in common weight classes to ensure fair and equal competition" (Barber 1984, 78) and reduces the democratic decision-making process to fair negotiation.

Second, an impartial political context that is blind to differences and consigns them to the private sphere fosters indifference among the parties and disadvantages minorities. By consigning differences to the private sphere, this model of democracy does not lead individuals to confer equal worth on their fellow citizens' values and interests, but simply requires that they are indifferent toward one another. Moreover, because institutions are blind to differences among individuals, this decision-making process cannot acknowledge the impact of the social standards of the majority on the opportunities and political power of minorities. Although social standards systematically advantage the majority, these institutions are blind to disadvantages that affect minorities. Such institutions cannot ensure a neutral context in which all citizens can pursue their life plans, but reinforce the structural disadvantages affecting marginalized individuals and groups.

To conclude, because an inclusive urban space requires a decision-making process that acknowledges each inhabitant and her values as of equal worth by ensuring regard for minorities and members of marginal groups, liberal accounts of democracy grounded in a procedurally fair decision-making process and differences-blind institutions cannot ensure an inclusive urban space.

Among the various proposals that have been suggested to combat these problems, the idea of participatory democracy must be addressed. This concept of democracy “rests on the idea of a self-governing community of citizens who are united less by homogeneous interests than by civic education and who are made capable of common purpose and mutual action by virtue of their civic attitudes and participatory institutions rather than their altruism or their good nature” (Barber 1984, 117). Within this institutional background, conflicts among competing claims are not addressed through tolerance or by ensuring the greatest amount of individual freedom. Instead, such conflicts are resolved through deliberation upon the various political proposals to identify and pursue the common good. Through deliberation, fairness and the inclusion of all parties in the political process are ensured. “Each individual’s convictions and beliefs have an equal starting place” (Barber 1984, 136), but their legitimacy “is a feature of [their] publicness, of how [they are] refined, changed and transformed when confronted with a public and the public norms that public has already legitimized through politics” (Barber 1984, 137). Individuals’ preferences and beliefs are not considered fixed but must be submitted to public judgment to achieve “an agreement that arises out of common talk, common decision, and common work but that it is premised on citizens’ active and perennial participation in the transformation of conflict through the creation of common consciousness and political judgment” (Barber 1984, 224). Unlike in liberal democracy where public choices are legitimate if consented to, in a participatory democracy, the legitimacy of public choices depends upon individuals judging expanded options in order to identify what is best for the community.

In this way, individuals become citizens who “are neighbors bound together [...] by their common concerns and common participation in the search for common solutions to common conflicts” (Barber 1984, 219). According to this view, the active participation of citizens in the political process helps to overcome the sharp distinction between minority and majority groups because public decisions are based on active participation in the decision-making process and consenting to the outcome.

Because of its high standards, participatory democracy has been criticized as an idealized model that does not take into account constraints

defined by reality and that cannot provide guidelines for actual democratic decision making. Although this critique may be sound, it can be challenged because it is far from clear that a normative ideal that aims at assessing actual institutions and their imperfections should be concerned with feasibility constraints.<sup>7</sup> Even if we assume that normative standards must be implementable—thus appealing to feasibility constraints—I would contend that a participatory approach is feasible in cities in which the formation of a community of equals through political participation is feasible and desirable.<sup>8</sup> Although the active participation of citizens in national political issues is difficult to imagine and problematic to implement, urban inhabitants have strong incentives to discuss issues when their interests are at stake. Arriving at institutional arrangements that can facilitate such citizens' active involvement need not be so difficult.

Can we thus conclude that a participatory approach ensures an inclusive urban space that acknowledges every inhabitant as an equal and recognizes her values as having equal worth? I would answer this question in the negative because this model is problematic (although it may appear desirable), particularly for multicultural cities.

First, participatory democracy encompasses the idea of a community of transparently communicating individuals; in such a community values are submitted to public judgment to arrive at a common understanding to which all are committed (Young 1990, 226–56). Thus, members of a polity are not treated as equals given their differences; instead, they become equals through their public participation and their commitment to common values and bonds that cancel their differences and provide unity to their values. This transformative process is not desirable in a pluralistic society in which inhabitants are committed to conflicting values and base their life plans on these values. Democracy should acknowledge its citizens as equals by recognizing their differences, not by altering their values.

Second, many scholars have argued that requiring that political claims be grounded in mutually understood and justifiable reasons and ruling out any appeal to partisan values renders deliberative decision making unable

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<sup>7</sup> On this point, see Cohen 2003; Estlund 2009; for an opposite perspective, see Ronzoni and Valentini 2008.

<sup>8</sup> In the context of pluralist cities, it is relevant to include inhabitants in the decision-making process and to establish bonds among such inhabitants. On one hand, direct involvement should facilitate policy implementation. On the other, a bond between the inhabitants of multicultural cities should reduce conflicts between minority and majority groups.

to ensure full equality among members of majority and minority groups. According to these critiques, a decision-making process that excludes partisan claims because they are not of public concern may exacerbate the marginalization of the least advantaged individuals (Fraser 1997; Mansbridge 2006; Mansbridge et al. 2010). Recall that attempts by feminists to pass legislation addressing domestic violence against women were rejected by the majority because domestic violence against women was not considered a public issue. An inclusive decision-making process must not reject any issues in advance—even when they seem grounded in partisan interests and values—but should ensure that all individuals, particularly the most disadvantaged, have the opportunity “to convince others that what in the past was not public in the sense of being a matter of common concern should now become so” (Fraser 1997, 86). Along these lines, Mansbridge correctly indicates that excluding partisanship from the decision-making process makes it particularly difficult for marginalized individuals and groups to discover that issues of common concern exclude them and reduce opportunities to develop alternatives to unjust states of affairs. Protecting disadvantaged members of society requires that the inclusive and fair decision-making process not exclude partisan values. To conclude, although participatory approaches overcome some problems with liberal models of democracy, they cannot ensure an inclusive urban space that acknowledges citizens and their values as having equal worth.

#### **4. Including Differences**

If participatory democracy is in tension with the pluralism of contemporary multicultural cities and cannot ensure inclusiveness because it rules out partisan values, it might be argued that the politics of difference might ensure equal inclusion of all individuals in the decision-making process. According to this approach, a “certain degree of separation among people who seek each other out because of social and cultural affinities they have with one another” (Young 2000, 221) is permitted, but individuals must recognize the just treatment that they owe others, particularly when they debate policies affecting the lives of everyone. Within such a context, when members of a polity “speak to one another, they know that they are answerable to a plurality of others.... This plural public-speaking context requires participants to express themselves in ways accountable to all those plural others” (Young 2000, 25). Despite these requirements, because differences among people are allowed, partisan values must be in-

cluded in the decision-making process, and inequalities resulting from differences between the majority and minorities are at stake in the political debate. Therefore, people can challenge social standards and achieve an outcome in which every life plan is publicly acknowledged as having equal worth. To achieve this objective, however, people's values and their differences must not simply be recognized as legitimate and relevant, they must also be publicly supported by society's institutions and individuals. In fact, "a culturally pluralistic democratic ideal, however, supports group-consciousness policies not only as means to the end of equality, but also as intrinsic to the ideal of social equality itself. (Groups cannot be socially equal unless their specific experience, culture, and social contributions are publicly affirmed and recognized.)" (Young 1990, 174).

Although this approach seems able to provide an inclusive urban space in which all are equal by emphasizing the political value of differences and the public acknowledgement of each person's equal status, this perspective is in tension with the rationale of a pluralistic society. Whereas the members of a pluralistic society have the right to be committed to their own values and to dislike others' values—provided that they publicly support and recognize the right of all to pursue their life plans—according to the politics of difference, equality among parties requires that everyone accepts a substantive account of the good (difference as an end in itself) to which one's own values must be submitted.<sup>9</sup> However, there seems to be a clear distinction (not recognized by the politics of difference) between recognizing the legitimacy of differences and evaluating them as positive. Although denying the former is not consistent with including minorities as equals in the decision-making process, fulfilling the latter seems to be supererogatory. It renders the politics of difference an overly demanding model of justice. If the majority does not positively evaluate and support minorities' values and needs but acknowledges the legitimacy of minorities' claims and supports institutions that recognize minorities' inclusion in the political process, then minorities are not marginalized because members of the majority acknowledge them as equals. Although appreciating differences might be desirable, it cannot be considered a requirement of justice that sees people as equals.

If a procedurally fair decision-making process cannot ensure the inclusion of marginalized individuals in urban spaces and if all the approaches

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<sup>9</sup> According to this account of equality, if particular values are not compatible with the idea that differences are an end in themselves and that ought to be supported, then these values are not legitimate and ought to be excluded.

that overcome these pitfalls are eventually inconsistent with the principles of pluralism, is it at all possible to provide for inclusive of all in decision-making processes in multicultural cities, and if so, how?

## 5. Respect and Inclusion

To ensure an inclusive urban space acknowledging all and their values as equal, I argue that the relationships among inhabitants and institutions should be regulated by an account of equality grounded in the value of equal respect. By respect, I refer to “recognition respect,” according to the distinction introduced by Stephen Darwall, between “recognition respect” and “appraisal respect” (Darwall 1977 and 2004). Briefly, “recognition respect” means the attitude and corresponding pro-attitude of regard for other persons due to their being individuals worthy of respect. Respect requires the recognition of others as persons. Hence, it is *a priori* and unconditional. Respect implies the following: (a) considering other persons as equals and (b) treating them in such a way as to avoid humiliating, exploiting, degrading, ignoring or patronizing them. What specifically characterizes recognition respect for individuals is that it relies on reasons deriving from the acknowledgement of the moral authority that other people have over us, a second-person authority, intrinsic to their moral standing as equals in the moral community. Because respect for someone means giving consideration to the moral demands that a person makes of others by virtue of a horizontal and reciprocal relationship, respect exemplifies the idea of equality that “as a moral ideal it asserts that all people are of equal worth and that there are some claims that people are entitled to make to one another simply by virtue of their status as persons ... while [as] a political ideal, it highlights the claims that citizens are entitled to make on one another by virtue of their status as citizens” (Scheffler 2003, 22).<sup>10</sup>

In the following analysis, I claim that a respect-based account of equality ensures a decision-making process in which every member of the polity has a fair opportunity to influence political debate and in which participants owe one another an explanation for their claims. However, mem-

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<sup>10</sup> The relationship among equals entailed by recognition respect is horizontal because no one is subordinated to any other members of the relationship. All members are in the same reciprocal position. If persons are in a horizontal relationship, citizens and state are in vertical relation because citizens are subject to the coercive power of the state.

bers of the polity might ground their claims in partisan values and inequalities that result from differences among minorities and majority under contention. Although differences are allowed in the decision-making process, there is no requirement that they must be publicly supported. Instead, they must only be acknowledged as legitimate by both institutions and individuals. In summary, I argue that a decision-making process grounded in a respect-based account of equality can address the nondistributive dimensions of urban marginalization without being characterized by the shortcomings of either participatory democracy or the politics of difference.

Recognition respect requires that every member of a polity is acknowledged as an equally capable political agent rather than as a mere beneficiary of policies devised by others. Ascribing this complex capacity to all is consistent with the a priori dimension of recognition respect according to which persons must be considered equals without further evaluation<sup>11</sup> and—given the fundamental role of this capacity—its ascription to all conveys an idea of equality that extends beyond the political context.<sup>12</sup> Being a political agent does not simply entail having a proposal consistent with one's own life plans (rationality). It also requires acknowledging that, because this proposal involves the life plans of others, their interests should be taken into account (reasonableness) and an explanation is owed to them (public accountability). Although political proposals must be publicly accountable, this requirement cannot exclude partisan values and ideals from the decision-making process. Because these values are at stake in the decision-making process, if people and their values must be regarded as equal, individuals should be allowed to ground their proposals in partisan values and explain to others why these claims ought to be taken into account. Along these lines, members of disadvantaged groups should be given the opportunity to challenge the social standards that are embedded in the values of the majority and reduce the opportunities of the disadvantaged groups to pursue their life plans.

Although partisan values and differences are publicly acknowledged, two clarifications are required to rule out the idea that the respect-based model of the decision-making process entails either parochialism or a positive evaluation of differences.

First, to avoid undermining the fairness of the decision-making process, the legitimacy of partisan proposals is based on their compatibility

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<sup>11</sup> On the a priori dimension of recognition respect, see Carter 2011.

<sup>12</sup> On this point, see Ottonelli 2012.

with the respect due to a person as a person. For example, a religious community might demand public land to build a place of worship, and other inhabitants could raise their concerns about the allocation of a specific lot or the effects of this allocation (e.g., traffic, parking issues, noise). However, one cannot demand that all available public land be allocated to her specific religion or that no public land be distributed to another religion. These claims would not recognize the legitimacy of certain religions and would indicate a lack of respect toward the adherents of other religions.

Second, respect is directed at people but not at their claims (or the values on which these claims are based); claims are considered legitimate when they are consistent with equal respect, which is based on the respect deserved by the claimants. Therefore, the values in which these claims are grounded must be included in political debates and considered worthy of pursuit, but they need not be supported or positively evaluated by the polity's institutions or people. Although positive support for differences is not required *per se* by a respect-based model of equality, such support might be conditionally requested as a means to ensure the public acknowledgement that everyone is equal. The development of differences is not an end in itself but could be the means for establishing that members of the majority and members of marginalized minorities are recognized as equals. A respect-based account of equality can therefore justify many policies that are typically justified by the politics of difference without being committed to an overly demanding account of justice that is in tension with pluralism.

Differences do not have to be evaluated positively by individuals and institutions. However, a respect-based account of equality does not justify indifference among the participants in the decision-making process. Individuals are not required to accept differences and to refrain from interfering in the lives of their fellow inhabitants. Rather, they must support the institutions that grant equal inclusion of all claims, that recognize the value of these claims and that strive to identify an outcome that is in everyone's best interest. These requirements are consistent with the fact that some individuals may legitimately dislike the values to which their fellow citizens are committed. Although a respect-based account of equality is demanding—as it must be if equality between majority and minority groups is to be ensured—it is not so demanding that it stands in conflict with the pluralism that characterizes our cities.

In conclusion, a respect-based account of equality ensures an inclusive urban space that acknowledges each inhabitant's values as having equal



worth because it grants everyone the opportunity to participate in decision-making processes. However, such an account of equality does not consider this to be the main aim of every inhabitant. It makes differences visible but does not consider differences to be a value that must be supported by institutions and individuals.

## **6. Respectful Policies for an Inclusive Urban Space**

Having detailed the content and the basis of my respect-based account, I would now like to focus on the policies that could implement this account so as to create an inclusive urban space. I focus on the case of San Salvario, a multicultural neighborhood in Turin that has recently seen a regeneration after two decades of conflict between minorities and the majority.<sup>13</sup> Through the lens of my respect-based account of equality, I will analyze two practices (a program for a multicultural educational system and the urban regeneration of the neighborhood) in detail and will show that only one fulfills the requirements of respect-based equality.

1. To manage the process of regeneration and urban planning, the municipality of San Salvario adopted a strategy aimed at directly involving its inhabitants and their associations. The ideal that underlay these policies, which were jointly managed by the municipality and associations, was a guarantee of fairness and accountability through public action. This guarantee limited the influence of the market without undermining the efficiency and effectiveness of interventions made with the direct involvement of the inhabitants and civil society. This flexible decision-making process in which different stakeholders (inhabitants, organizations and municipality) are included appears to ensure that each inhabitant is acknowledged as an equal because it gives those who are typically marginalized additional opportunity to support their claims. Whereas migrants or members of minority groups might lack the political resources (time, social connections, and information) to influence political parties, they are more likely to have an impact on organizations concerned with specific issues in which their interests are directly at stake. However, in the case of San Salvario, it is notable that migrants are systematically excluded from the decision-making process because they are underrepresented in civil associations. In this context, therefore, the involvement of the municipality's inhabitants is partial, and instead of ensuring the inclusion of every-

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<sup>13</sup> For a detailed analysis of the case of San Salvario, see Biale 2010.

one, the status quo is overemphasized, and migrants are marginalized. Because these strategies do not respect or acknowledge the equal standing of migrants, they should be amended to ensure that migrants and other marginalized inhabitants are effectively included in the decision-making process. Achieving this aim would require facilitating the inclusion of migrants and other marginalized inhabitants in organizations that are typically dominated by the majority by creating quotas. As an alternative, migrants and other marginalized inhabitants might be supported in creating their own organizations. Moreover, more flexible criteria to include these organizations in the decision-making process and more inclusive requirements for assessing people's claims are required. It is not possible to include only those groups or associations that fulfill standards typically designed for the most advantaged individuals and groups. Instead, two different thresholds ought to be defined to select associations that must be involved in the decisional process that are based on whether they constrain the majority or minorities. Finally, because marginalized individuals and groups might have more difficulty in fulfilling public accountability requirements, nonpublic discourses (i.e., rhetoric, direct action and bargaining) cannot be ruled out.

2. "The Flying Carpet" was an educational joint program developed among the preschools, elementary schools and secondary schools of San Salvatio (later extended to high schools in the neighborhood) in conjunction with the international museum of contemporary art in Rivoli (Turin). This program was part of a planned action that was primarily concerned with recognizing differences among the inhabitants of San Salvatio and with developing a process of integration as respectfully as possible. Native and immigrant families were not left to face this matter alone because the schools worked to create a background of equality in which each person would have equal opportunities to pursue her life goals. Additionally, this set of policies was intended to involve both children and their parents. Although immigrants' participation was less significant than that of natives, migrants were directly involved in organizing events related to their cultures and countries and were asked to judge the quality of the project and to suggest ways to improve it. Immigrants were publicly treated as equals not because of or despite their differences but by respecting their differences (Galeotti 2010b). Their participation was promoted and publicly judged as a necessary condition of the program's success. Thus, migrants were not excluded or invisible but publicly recognized as an integral part of society. "The Flying Carpet" not only guaranteed better education and opportunities for every child (and particularly the least advan-

tagged children) but also positively affected their public recognition as equal citizens.

Unlike the process of regeneration outlined above, this program fulfills the requirements of a respect-based account of equality because it ensures a context in which members of the majority and minority groups are treated as equals by having a fair opportunity to participate on equal footing when they debate policies for their children's educational curriculum. In addition, this program encourages future members of a multicultural society to acknowledge one another as equals independent of their differences.

In conclusion, through my analysis, I have shown that justice in the urban context requires not only the fair distribution of urban space but also the inclusion of each inhabitant on equal footing in the decision-making process and the acknowledgment that their values have equal worth. I then rejected three models of democratic inclusion that might pursue these aims on the surface and defended an approach grounded in the notion of equal respect. Finally, by focusing on real cases, I showed policy guidelines that this account of equality could justify to ensure that each inhabitant of a multicultural city is acknowledged as an equal and granted an inclusive urban space.

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## **Part III**

# **Case Studies and Policies**





# Contested Identities and Spatial Marginalization: The Case of Roma and Gypsy-Travellers in Wales

*Francesco Chiesa and Enzo Rossi*

“The history of modernity is the history of the triumph over space.”

—Terry Eagleton

## 1. Introduction

The European Union has described the condition of Roma and Gypsy-Travellers (RGT) as one of the “most pressing political, social, and human rights issues facing Europe” (European Commission 2004, 10). Human rights issues, or indeed any issue of serious disadvantage, are often addressed with no more than a passing reference to the problem of identity. There are more pressing demands of justice—or so the story goes. However, that is often not the full story: the concept of disadvantage is widely seen as a way to range over debates on the currency of justice, yet many theorists have pointed out how the issues of identity and recognition are often at least as relevant in capturing important dimensions of justice (Wolff and de-Shalit 2007). What is more, taken in isolation, distributive and identity-based accounts of justice often pull in different theoretical and policy directions. In this chapter we would like to show that the disadvantage of RGT can be largely ascribed to a failure of recognition. More precisely, we try to show that the failures of policy makers in the accommodation of the needs of RGT is due to a mixture of hostile interests and the blanket application of distributive principles that are blind to the specificities of RGT identity. So we argue that, in the case of RGT, appropriate recognition should precede and inform distributive policies. Moreover, we aim to show that the particular form of misrecognition that affects the RGT community is largely due to an oppressive social and cultural construction of space.

This chapter is structured as follows. In Part 2 we explore the problem of labeling identities such as Roma, Gypsy, and Travellers, and the confu-

sion around these terms—a confusion existing at the level of public authorities' official documents and statements. This is a preliminary relevant point that needs to be discussed in order to better understand any issues related to the case study, including of course spatial marginalization and housing issues. How are these individuals designated by public authorities? And how do RGT self-designate? What kind of gap, if any, do we find between external ascription and self-designation? What are the terms of identification? What are the relevant national/ethnic/cultural terms? Should we speak of settled, sedentary or nomad communities? In Part 3 we discuss the issue of spatial marginalization as applied to Roma and Gypsy-Travellers in Wales. The relatively small size of Wales affords the opportunity for a fairly detailed analysis, and the issue of spatial marginalization is particularly poignant insofar as the use of space is, of course, one of the central aspects that differentiate RGT identity. We briefly describe the situation (location, facilities, etc.) of the residential/transit/unauthorized sites where these people live. Part 4 outlines an hypothesis we formulate regarding the housing policy in Britain (with particular attention to Wales) and the process of settlement that has been experienced by many Travellers in the recent past. The hypothesis is based on the idea that even redistributive politics conceived with the best intentions—the provision of "traditional" houses instead of sites, in this case—could lead to forms of misrecognition. The fifth and final part briefly elaborates the theoretical foundations underlying that hypothesis.

## 2. Misrecognized Identities

The process of labeling identities is always a delicate one, but in the case of RGT it seems to require additional caution for at least five reasons.

(i) The radical heterogeneity of RGT communities in terms of ethnicity,<sup>1</sup> language, religion, historical backgrounds and cultural values including a nomadic or sedentary way of life.<sup>2</sup>

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<sup>1</sup> The several subgroups of RGT communities include Roma, Sinti, Kalderaš, Lovari, Manuš, Romanichels, Kalé, Tshurara, Yenisch, Minceir (Irish Travellers), Nawken (Scottish Travellers), and the so-called New Travellers (people who live a (semi)nomadic lifestyle without belonging to any of the specified ethnic groups—a nontraditional traveling group seemingly unique to the UK). For a general overview on this "rich mosaic of ethnic fragments," see, for example, Liégeois (1985, 13–16).

<sup>2</sup> The practice of nomadism characterizes some RGT in UK but it is no longer characteristic in other European countries. There is a broad spectrum of situations of being no-

(ii) External ascription and stigmatization has often played an important role in constructing RGT identities. The name “Gypsy,” for example, comes from “Egyptian”—when the Roma started arriving to Europe in the fifteenth century they were (wrongly) ascribed Egyptian origins. For some now “Gypsy” has become a pejorative term and the 1971 First World Romani Congress rejected the terms “Gypsies,” “Tsiganes,” “Zigeuner,” and “Gitano,” favoring the term “Roma” (O’Nions 2007, 4n21). Nonetheless, among many British and French Roma and Traveling communities “Gypsy” is still a common form of self-identification. The stigmatization targeting these identities explains the reluctance of many RGT to reveal their identity. RGT often fear that self-designating as RGT in interviews or as part of a census would expose them to prejudice and discrimination.<sup>3</sup>

(iii) An ahistorical nature has been often attributed to RGT given the oral tradition that characterizes most RGT communities and that resulted in a paucity of historical documents. This always nourished a mythical attitude about where they came from: it was said they were Egyptian, Indian, Papist spies, “Minions of the Moon,” survivors from Atlantis, one of the lost tribes of Israel, or, also, people condemned to wander forever the Earth for having made the nails for Jesus’ cross (MacLaughlin 1999; Bancroft 2005, 167).

(iv) RGT often are a stateless minority. This becomes relevant in a world where the human rights language used in international treaties such as the United Nations covenants and the European Convention on Human

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madic: some stop for the winter and move on in the spring/summer season. Some move every several years. Many of them move occasionally for fairs and festivals (the Stow and Appleby fares in UK are among the most popular). Others move about in nomadic occupations such as basket makers or coppersmiths never overstepping the boundaries of a British county. However, it seems that even when nomadism is no longer practiced it is still an important self-designating factor for many RGT: “[j]ust as settled people remain settled people even when they travel, so the Gypsy is a nomad even when not traveling. ... So it is really more accurate to speak of sedentarized Gypsies rather than sedentary Gypsies, for the former suggests a temporary condition for people who still consider movement meaningful and vital. Nomadism is a state of mind more than a state of fact. Its existence and importance are psychological more than geographical” (Liégeois 1985, 54). For some to be “Travellers” does not necessarily refer to a traveling lifestyle, but to the notion of dispersal or diaspora (Acton 1997, 166). For a critique of such “romanticized” ideas of traveling cf., for example, Alain Pierrot (2011, 65) or Jean-Loup Amselle on the association of RGT with “Bohémiens” (2011, 47).

<sup>3</sup> This of course makes collecting reliable data extremely difficult. Cf. the Council of Europe Roundtable (2000).

Rights and Fundamental Freedoms stipulates a common definable territoriality as a necessary condition in their definitions of national minorities (O'Nions 2007, 26). Moreover, being stateless is problematic in the conception of human rights for minorities, where any recognition of minorities and of their rights goes through a strictly intergovernmental politics in a way that "nation states make representation to other states when something affects members of their 'nation' who live as a minority in those other states" (Gheorghe 1997, 155). This adversely affects the stateless RGT who cannot count on a "protector-state" that would defend their interests in bilateral treaties.

(v) "Ethnogenesis" is the name we can give to the debate resulting from the acknowledgment of these problems (heterogeneity, stigmatization and stateless status) and the consequent need to elaborate (or "construct") RGT identities capable of playing a political/emancipating role. The Roma scholar and activist Nicolae Gheorghe describes ethnogenesis as the process through which

a social group, previously occupying a despised and inferior position, moving from this position to some kind of respectability with a sort of equality with other social groups in the hierarchy of social stratification on the basis of a revised perception of their identity. The achievement of this movement is a project for us because of Gypsy experience of marginalization, of inferior social positions, of carrying a stigmatized identity in society. (Gheorghe 1997, 158)

According to Gheorghe, the segregating social identity of RGT should be replaced with an emancipating ethnic-cultural identity. In particular, RGT should be treated and qualified as a transnational<sup>4</sup> minority group in order to be effectively empowered.<sup>5</sup> Even those who acknowledge that constructing social and ethnic identities is, to a certain extent, a needed political crutch for having a powerful voice are skeptical about this transna-

<sup>4</sup> Gheorghe (1997) borrows the term *transnationalism* from Leslie Sklair's sociological theory of globalization, which defines the difference between international and transnational corporations. International corporations work in many countries but have a base in one, while transnational corporations do not have any country base and work beyond the control of any government (Sklair 1995). Gheorghe applies this difference to cultural/ethnic groups, recognizing the peculiarity of RGT in their being transnational.

<sup>5</sup> Gheorghe (1997, 160) opposes the idea of a transnational minority to the national minority's system that he sees as a "by-product of nation-state-building" and of the nationalist ideology he wants to criticize: "The fact that the nation-states are so generous now with these 'minorities' is just one device to reinforce the legitimacy of these states as ethnic states, states which actually belong to an ethnic 'majority'."

tional approach. The main problem is that it runs the risk of disregarding RGT heterogeneity and promoting a homogenized newly constructed ethnic identity excluding various subgroups (O’Nions 2007, 7).<sup>6</sup> Moreover, this transnational perspective entails a necessary disjunction between nationality and citizenship. The idea is that someone can be a loyal citizen to the state without any national attachment, but with a transnational belonging. This position has been strongly criticized, among others, by the German Sinti who remind us that the Third Reich’s extermination of RGT and Jews began with the revocation of all citizenship rights among “non-Germans” (where “German” was taken to mean “Aryan”).

The issue of ethnogenesis is, to some extent, unavoidable, and every RGT community in each country will have to construct its own politically emancipating identities. The criticism of the nation-state system along with the idealistic transnational proposal is surely an enrichment of the theoretical debate, but it does not seem to be helpful for addressing injustices suffered by RGT in a world in which, *pace* cosmopolitans, nation-states are still the main problem and the only solution to that problem: i.e., both the source of marginalization and the effective medium for justice. In the words of Donald Kenrick, “we have to study as it is now, not as it might be in twenty years time. This morning I was at London Airport to try to help a Polish Gypsy woman coming here as a refugee. There would have been no point my saying to the customs officer that this woman is a supra-national and therefore she has got a right to come in.” What he had to show was that she was a legitimate candidate for political asylum *qua* member of a persecuted ethnic minority. “So long as ethnic or racial or national minority status exists and gives a claim on resources, Gypsies will be proving their right to it” (Acton 1997, 166–67).<sup>7</sup>

These are some of the problems surrounding the characterization of RGT identity. They are problems that always characterize the definitions of collective identities, but in this case they seem to be distinguished by a peculiar complexity that makes the policy makers’ work difficult and often ineffective. RGT identity—like every cultural collective identity—is and will be, to some extent, the result of a social and political construction process (which in this case can be understood as a form of ethnogenesis).

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<sup>6</sup> The problem of artificial top-down social and political constructions of cultural and ethnic identities applies unavoidably also to national state contexts aiming to promote policies for RGT. But when the context becomes global and the minority transnational, such risk seems to achieve much broader and unpredictable potential outcomes.

<sup>7</sup> Think of how Rastafarians or Sikhs adapted their social constructed identity in order to fit the category of “race” in British laws.

Recognizing this should help to avoid the common and damaging stereotype of the “true Gypsy” or the “genuine Romani Gypsy”—an attitude leading to exclusionary processes vis-à-vis those people who do not fit within purified, reified, homogenized and immutable readings of cultural identities. This approach often leads to a damaging deconstruction of RGT ethnic identity, a deconstruction followed by a reconstruction as a socially delinquent subculture. RGT culture becomes a “subculture of poverty” and nomadism becomes vagrancy, a mere public order problem that challenges the legitimacy of the nation state and the private property rights system (McVeigh 1997, 17, 14). Such a diverse world is hard to describe exhaustively through the traditional categories of “minority” and “community,” but that difficulty leads to a downgrading of the cultural-ethnic dimension of their identities, and encourages a view of the condition of RGT as a mere issue of poverty and/or social deviancy. “In this way,” as Robbie McVeigh writes, “the solution of the problem of nomads becomes assimilation, they must become sedentary in order to be helped. ... The denial of ethnicity becomes a central means of supporting liberal assimilationist strategies” (1997, 17, 23).

Jean-Pierre Liégeois also describes how RGT are stripped of racial or ethnic identity for assimilatory purposes: “[t]hese Gypsies—now deprived, by this description, of roots and identity—then represent a ‘social problem’ of ‘re-adaptation’ that must be solved in order to absorb them into the rest of society ... . Gypsies are not defined as they really are, but as socio-political requirements say they have to be” (1985, 139).

Given the heterogeneity of provenience, history and tradition that characterizes Roma and Gypsy-Traveller peoples, it may sound artificial to bring all these peoples under a single umbrella and a single normative political approach toward Roma and Gypsy-Travellers may run the risk of being too general and thus ineffective. But we need to run such a risk to avoid the opposite risk, namely seeking “proper” identity distinctions, “genuine” cultural identity, and “true” ethnic tradition. This insistence on authenticity is widespread among political authorities and some scholars. It is an attitude leading to exclusionary processes for those people who do not fit within purified, reified, homogenized and immutable readings of cultural identity. For example, some social scientists have argued that Gypsies do not really represent one people with a distinct culture, history and identity but that they are a creation of government officials, social scientist and ethnographers. Scholars such as Judith Okely and Wim Willems argue that the labeling of some people as “Gypsy” by authorities and the populace has usually represented the beginning of a process of exclu-

sion, assimilation and persecution. The formation of the Gypsy identity, then, according to this perspective, would have much to do with a reactive process to persecution and with the need to articulate some common response to it (Okely 1983; Willems 1997). Arguments such as those proposed by Okely and Willems with mainly descriptive purposes have been used to manipulate the normative-political debate implying somehow that when a cultural identity is partially the intended or unintended result of politics of misrecognition and stigmatization, it cannot be worthy of protection and special rights in liberal democracies. Usually this approach leads to a damaging deconstruction of RGT ethnic identity, a deconstruction followed by a reconstruction as a socially delinquent subculture.

Some political and social actors also use such discourse about Roma and Gypsy-Traveller cultural and ethnic identities strategically, in order to delegitimize Roma and Gypsy-Travellers' requests. In statements of British politicians, press commentary and popular opinion, RGT are often demonized as a pariah out-group. They are described as having no history, no tradition, no culture, no group cohesion apart from shared criminal ways of living; no identity apart from "that required to scam the unwary housedweller, no identity, except that assumed as part of a cunning ploy to claim 'ethnic rights'" (Bancroft 2005, 40). Whoever presents his/her own identity as a Gypsy is often blamed for not being a true Gypsy or a genuine Romani Gypsy but "only" a tinker, in order to exclude and to delegitimize the Gypsy-Traveller identity.<sup>8</sup> This tactic (the dismissal of Gypsy-Traveller (ethnic) identity) is sometimes used among local authorities in Britain who wish to avoid their obligations under the Caravan Sites Act of 1968.<sup>9</sup> They claim they have no Gypsy-Travellers in their area, or that those who are there are not "proper Gypsies" (Bancroft 2005, 42).<sup>10</sup>

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<sup>8</sup> In the UK this exclusionary discourse of "genuine" Romani Gypsies as true nomads aims to exclude in particular New Travellers and non-Romani Gypsies, targeted as "tinkers," as the "dropouts of settled society."

<sup>9</sup> The Caravan Sites Act of 1968 required local authorities to provide sites for Travellers and brought in new laws to reduce the capacity for a Traveller to set up a temporary home on marginal land.

<sup>10</sup> According to some social workers and NGO volunteers we interviewed, this kind of attitude is progressively less pursued thanks to the work by charities and NGOs in informing and sensitizing British public authorities about Roma and Gypsy-Traveller marginalization. The dismissal of Roma and Gypsy-Traveller identity is a process well-known by scholars in RGT studies. To mention two examples only, the 1948 and 1955 Northern Ireland Government reports on Travellers "did not allow them an identity except as a social problem, that of itinerancy; [t]he government of West Germany after the Second World War refused compensation to Roma concentration camp survivors on the

The common idea that Gypsy and Roma are people defined more by behavior rather than ethnicity leads to the view that their condition is only a socio-economic issue. In the more sympathetic accounts the view is that those individuals are pushed into a marginalized position with regard to settled society by external group closure. If the account is unsympathetic they are portrayed as natural-born delinquents—people who fail to internalize society's key values. This has been named the “culture of poverty thesis” (Bancroft 2005, 44). Both attitudes are part of a status hierarchy approach “which places Gypsy-Travellers at the bottom” (Bancroft 2005, 44).

### 3. Spatial Marginalization of Roma and Gypsy-Travellers in Wales<sup>11</sup>

While still of part of the United Kingdom, Wales has held substantially devolved powers since 1999, through the establishment of a National Assembly for Wales—which means that in key areas, policy and practice will diverge between this region and the rest of the UK. The Assembly has law-making powers in twenty areas, including housing.

Roma and Gypsy-Travellers (RGT) in Wales are estimated to number around 2,000 people.<sup>12</sup> Most of them are concentrated where there are settled populations along the key transport routes in the north and south of Wales. Public perceptions of RGT-related issues are characterized by a lack of accurate information and the persistence of classical stereotypes about Travellers and their association with crime. Meanwhile, at the political level, we find difficulties concerning how best to identify and characterize the groups in question. As noted above, in public discourse in the

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grounds that they had been persecuted as a—delinquent—social group, rather than an ethnic group” (Bancroft 2005, 42).

<sup>11</sup> Much of this section appeared in Calder, Chiesa, Dosa, Duez, Testino (2010).

<sup>12</sup> Most of the data presented in this section is taken from Niner (2006), which represents the most comprehensive recent piece of research carried out on the RGT housing issue in Wales. When possible, the reported data have been counterchecked, and, where necessary, updated. Yet significantly, according to an informal desk-based exercise carried out in January 2009 with local authorities, the total best estimate—albeit still only an estimate—would be around 4,000 GT in Wales. Niner's estimate included only those GT living on sites, while local authorities estimated also around 1,800 GT living in “bricks and mortar” accommodation—see Welsh Assembly Government (2009). Thus we lack a fully reliable statistical account of the RGT presence in Wales. A census has been held in March 2011 including for the first time a “Gypsy-Traveller” tick-box in the ethnic origin question: 58,000 people selected this option in England and Wales (2,809 in Wales only) (this does not include people who identify as Roma).



UK (including Wales) we find frequent reference to the “genuine” Romani Gypsies as the true nomads, in contrast to non-Romani “tinkers” and New Travellers who are identified as the “dropouts” of settled society and subsequently restricted from pursuing a nomadic way of life.

The Welsh Assembly government has recently recognized that Roma and Gypsy-Travellers, even when indigenous to Wales, have long been the most disenfranchised and marginalized group in Welsh society. The Gypsy-Traveller community experiences the highest level of inequality among all ethnic minority groups in Wales (see Welsh Assembly Government 2009). The Welsh Assembly is particularly concerned with the situation of Roma and Gypsy-Travellers’ sites and the standard of living of their residents.

There are at least twenty-nine RGT sites in Wales, providing around 440 pitches. Of these sites, eighteen are owned by local authorities while eleven are privately owned. In addition, there is an unknown number of RGT living on unauthorized sites, i.e., on caravan sites not specifically designated for RGT. To give an overall description of the RGT sites in Wales, highlighting—where it occurs—the spatial marginalization of these people, we will classify RGT sites as comprising: (i) residential sites; (ii) transit sites, and (iii) unauthorized/roadside sites.

(i) Residential sites are those sites intended for long term or permanent accommodation and are the great majority (92%) of the sites owned by local authorities. All sites have water and electricity supplies. Most of the sites are overcrowded: the “doubling-up” of families on a single pitch is common. Sites are likely to be located next to motorways, industrial or commercial land-use. Many of them experience problems of heavy traffic and/or litter/rubbish dumping in their locality and some of them are either on or near landfill sites. This of course often leads to environmental and health problems.

It is common to find RGT sites where no settled housing would be built:

Councils opt to build Gypsy-Traveller sites on marginal land partly due to cost restrictions, but the main motivation is that it is easier to get a planning application for a Gypsy-Traveller site when it is as far as possible from the settled community. ... Each time a site is proposed there is a high level of heartfelt and vocal opposition from the local community. A site proposal is usually greeted by the formation of a residents’ “Gypsy Site Action Committee” to oppose it. (Bancroft 2005, 68–69)

Most of these sites are located on the fringes of towns or villages. Only one site (in Swansea) is within an urban area. All but one of the sites is

more than 1 km from a primary school, all but two more than 1 km from a post office and all but five more than 1 km from public transport. As for sites boundaries, eleven sites (58%) are fully contained by clear fences or other barriers on all sides; eleven have some form of earth bank on one or more sides of the site; fifteen (79%) sites have trees and/or shrubs on the boundary and thirteen (68%) have some form of fence or wall along the boundary. Site residents have different opinions about site boundaries. Some perceive clear fences as tantamount to prison perimeter fences, while others see them as a form of protective screening. The “outside world” itself is often seen as very hostile; in almost every case, indeed, settled local people express resistance toward sites.<sup>13</sup>

(ii) Transit sites are intended for short-term use. The main problem with them is that usually they do not, in fact, fulfill this role. Due to the shortage of residential sites, transit sites end up being used for long-stay residential purposes. These sites are characterized by minimal, poor facilities. In some cases, they may well be defined as “slums,” i.e., according to the UN definition, any space characterized by “overpopulation, temporary or informal habitation, reduced access to running water and toilets and a vague definition of property rights” (UN-HABITAT 2003). What primarily characterizes slums is their invisibility; these sites are very often located in marginal, hidden areas of cities.

(iii) It is difficult to find precise data on the so-called “roadside” encampments. What can be said is that unauthorized encampments have very poor living conditions, but—in the absence of a network of transit sites—they often represent the only available transient accommodation. Most of the people living on unauthorized encampments are families waiting for a pitch on a residential site. Some are families visiting local families for a special family event or a holiday. Others are groups of RGT traveling from place to place for employment reasons. The difference between authorized and unauthorized encampments is even more evident since the issuing of the Criminal Justice and Public Order Act 1994 which gave powers to local authorities to act against unauthorized encampments. It has been argued that, without the provision of new sites, the 1994 act has effectively criminalized the RGT way of life, due to a lack of legal stopping places (Morris 1999). Evictions are usually carried out so speedily that it makes it hard to get children into schools or to access other services. People living on unauthorized encampments usually live in a state

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<sup>13</sup> Typically, RGT will see themselves as a demographic group against whom it is still “acceptable,” in the mainstream, to make racist remarks. See Niner (2006).

of uncertainty. Often they gain a “month’s grace” to stay, but this itself is entirely at the discretion of the local authority in whose boundaries they happen to have stopped (Bancroft 2005, 54).<sup>14</sup>

#### 4. The Process of Settlement: Forced Assimilation?

RGT are undergoing transformation through a progressive process of being “settled” in permanent sites or housing. Even if affected by this partially forced process of settlement, many RGT families maintain a traveling lifestyle and do travel for certain periods within the year in connection with family or cultural events. It has also been argued that this process of settlement derives from a “sedentarist discourse” that constructs RGT “as a deviant with regard to the moral and social order” (Bancroft 2005, 4). There seems to be a widespread opinion that nomadism *per se*—an exceptional way in which to live the social dimension of space—does not constitute part of the ethnic/cultural tradition of RGT. In this way, “the solution to the problems of nomads becomes assimilation, they must become sedentary in order to be helped” (McVeigh 1997, 17). What seems to be at stake here is the cultural and social construction of space, a construction that affects marginalized groups. This might be taken as an example of how, as Bancroft puts it, “[m]odernity creates spatial structures in which power relations are implicated” and establishes modernity’s other (2005, 51). Along the same lines, J. C. Scott observed how one of the ways in which the modern state asserts its authority is by making the human and even the natural world “legible” through the prescribed organization of physical space (1998). As the RGT case shows, such legibility is bound up with a drive to impose the state’s authority through a process of homogenization of the citizenry.

With the passing of the Caravan Sites Act of 1968 the viability of a roadside existence was dramatically reduced, with the UK government openly hoping that Gypsies and other travelling people become completely integrated among the settled population. It required local authorities to provide sites for Travellers—few initially did—and also brought in new laws to reduce the capacity of Travellers for setting up a temporary home on marginal land (Project 35 Architects 2010, 40, 43).

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<sup>14</sup> Some local authorities have created set procedures for Gypsy-Travellers while others “deal with it on a purely ad hoc basis. As a result there is a great deal of uncertainty, with Gypsy-Travellers ... commonly subject to harassment and forced movement” (Bancroft 2005, 54).

Some RGT interviewed about the possibility of moving to apartments have expressed the fear that this change could lead to a breaking down of patriarchal family unity with the all network of solidarity and mutual assistance that this involves. Other fears are also present: the fear of entering into close contact with a perceived hostile external world, the fear of losing the all open-air physical space in which they celebrate religious rites and social events and undertake traditional crafts such as metallurgy and the keeping of their animals. According to Cassie Marie McDonagh (an Irish Traveller) “without more suitable sites, even more people will move into houses. The government is removing targets obliging local authorities to provide those suitable sites. There was a time when everyone was together... The children played together, we built fires, sang songs. Soon that way of life may be gone” (Muir 2010, 13).

RGT who must stop by roadsides in UK usually prefer hidden places in order to minimize the reaction of the local police and people they always attract. However, the extent to which they can make use of these places has shrunk enormously in particular since the introduction of the Criminal Justice and Public Order Act 1994 that asserted a “robust policing of space” (Bancroft 2005, 57) preventing certain gatherings and movements such as fairs and festivals that represent important aspects for RGT social life.<sup>15</sup>

The attempt to sedentarize Roma and Gypsy-Travellers pursued by national and local authorities in Britain has led to a creation of networks of official sites with the intention of bringing nomadism to an end. This means integrating—or even assimilating—them into settled life. These council sites, owned and managed by local authorities, were built for the most part under the auspices of the 1968 Caravan Sites Act, which required local authorities in England and Wales to provide for Gypsy-Travellers “residing in or resorting to” their area.<sup>16</sup>

There was and is an expectation among some government officials that Gypsy-Travellers who have lived on a site for a large part of their lives would move into housing. It was felt that there was no difference between living in a trailer on the same pitch for years and moving into a house. For

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<sup>15</sup> Fairs “are times for exchanging both goods and information, news, taking part in competition and forming and cementing relationships. They renew and revitalize the complex set of social and economic relationships which underpin Gypsy-Traveller society. However, all the Gypsy-Traveller fairs are coming under increasing pressure, mainly from councils who would generally prefer it if Gypsy-Travellers did not occupy their town centres” (Bancroft 2005, 54).

<sup>16</sup> Actually, most of the sites were built a decade after the passing of the Caravan Sites Act when in 1979 the central government introduced a grant for site building.

many Gypsy-Travellers, however, there still was a great difference between the two. They feel that moving into housing permanently it is dangerous for their identity (Bancroft 2005, 71).

So, although these sites have been considered an achievement by some Travellers, many others are very critical of the British site system, "often expressing their misgivings in terms like "Being here is like living in a house"; "You can't really travel if you're in one of these places" (Bancroft 2005, 65). Or again: "The council site is almost as bad as being in a house. When they built it they didn't think of young folk. It's boring, ten miles from the city and two miles to a wee village with one shop" (Claire); "It's not really traveling [living on a council site]. There's no community, everyone's out for themselves" (Susan, Scottish Traveller); "It's almost like being settled" (Pat) (Bancroft 2005, 70).

Feelings of depression and isolation seem to be common experiences among some of those RGT who move to housing. Not surprisingly many of them keep living in houses only temporarily. In the words of a social worker: "The Health Visitors get them into the house, but then their brief ends, but that's when they need you the most. They get into the house, feel imprisoned, don't get on with neighbors. It's a very isolating environment for them. The only solution for them is to go back on the road ('Penny,' Voluntary Sector worker)" (Bancroft 2005, 70).

There is enough evidence that RGT have been the object of a number of forces which have restricted their traveling, oppressing them in a way uneasy to address. Perhaps more than any other kind of oppression, this "illustrates the complexity and contradictions of the race/class nexus" (McVeigh 1997, 8). Robbie McVeigh claims that RGT social and political disadvantage depends on the cultural hegemony of sedentarism defined as "that system of ideas and practices which serves to normalize and reproduce sedentary modes of existence and pathologize and repress nomadic modes of existence." It follows that the very existence of Gypsies and New Travellers challenges this hegemonic equation of "civilization" and "sedentarization," the idea of History as the victory of sedentarism over nomadism. Thus, sedentarism can be seen as a "specific form of oppression, like racism or sexism" (McVeigh 1997, 9, 13, 33).

As noted above, the denial of the legitimacy of nomadic lifestyles leads to present the problem as a mere "poverty issue" that needs only distributive and assimilationist policies. The recognition paradigm on which these redistributive policies are grounded is arguably that of a low-status ethnic group. So, even if there are many radical differences among RGT, a common experience of marginalization and stigmatization as a

paradigmatic outsider group seems to emerge—a commonality that somehow spans the many differences. In the next part we will briefly outline some of the theoretical underpinnings of such a shift from redistributive to recognition-based responses to the plight of RGT.

## **5. Concluding Observations: Recognition, Identity and Self-respect**

Public recognition of different belongings is surely instrumental for the exercise of individual autonomy, as Kymlicka (1989) has shown. But it is so for the deeper reason that thorough the recognition of their cultural membership individuals acquire self-respect and self-esteem which are the basic components of moral and political identities (Audard 2008, 135–36). This is something that affects the constitution of the self and frames individual personality. Put another way, individual self-respect and self-esteem need “collective esteem” in order to be nourished: “The prosperity of the culture is important to the well-being of its members. If the culture is decaying, or it is persecuted or discriminated against, the options and opportunities open to its members will shrink, become less attractive, and their pursuit less likely to be successful” (Margalit and Raz 1995, 87). Conversely, when this recognition process does not take place “a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves” (Taylor 1994, 25). People who have suffered misrecognition tend to internalize a derogatory image of themselves that affects their self-esteem and promotes disengagement from social and political life.<sup>17</sup> They develop what W. E. B. DuBois called a “double-consciousness,” the attitude of “always looking at one’s self through the eyes of others” (Parekh 2004, 205).

As the personal and collective identity is partially defined against the background of the society in which people live, people living in condi-

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<sup>17</sup> Think of derogatory images (stereotypes, jokes) of RGT that are part of daily informal conversations, or of the fact that in some European schools (Britain included) RGT children are destined to “special,” “separate,” “remedial” classes irrespective of whether they have learning difficulties (see “Council Conclusions” 2012, 7). Surveys have shown that some teachers exhibit low expectations of RGT children, which then “become a self-fulfilling prophecy as students come to view themselves as failures and extricate themselves from the educational process” (O’Nions 2007, 154). The issue of combating poverty of aspiration through education policies is discussed in a recent Welsh Government report (“Travelling to a Better Future” 2012).

tions of marginalization and stigmatization tend to adapt themselves to the available opportunities of the unjust background conditions through cognitive processes such as adaptive preference formation (i.e., preferences formed in response to the unavailability of specific options) and the reduction of cognitive dissonance in order to reconcile themselves with their failures “to accommodate both the fact of victimization and the belief that the world is essentially just” (Sunstein 1991, 22). Some RGT communities have been described as exhibiting a “passive sense of victimization” coming from the dependency trap of an over-reliance on charity help (Felix Exteberria, quoted in O’Nions 2007, 148), or as being the passive recipients of “European money and initiatives rather than as drivers of these initiatives” (O’Nions 2007, 261). In some cases, politicians have justified their inaction on RGT rights saying that these communities had not articulated any particular social or political request and that, hence, they did not need help (O’Nions 2007, 272).

That sort of *de facto* segregation may become incompatible with equality (Phillips 2000, 97). Cognitive studies show how individuals subject to prejudice and stereotyping can be psychologically undermined and begin underperforming in accordance to the stereotype (see Bagihole 2009, 30). In other words, (mis)recognition forges identity, and the struggle for emancipation has often to pass through a revision of these internalized images (Taylor 1994, 25–26, 66). The challenge, then, consists in giving a voice to fragmented voiceless people and, at the same time, enabling renegotiation and continuous transformations of the groups’ members. The crucial issue is the negotiation of the balance between self-designation and external ascriptions of social and cultural identities.<sup>18</sup>

There are two extremes that should be avoided. On the one hand there is the risk of privileging purified, reified, homogenized and immutable version of culture following the tendency, in Anne Phillips’ words, “to represent individuals from minority or non-Western groups as driven by their culture and compelled by cultural dictates to behave in particular ways ... in a discourse that denies human agency, defining individuals through their culture, and treating culture as the explanation for virtually everything they say or do” (Phillips 2007, 8).<sup>19</sup> Culture should be treated

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<sup>18</sup> Testino (2010, 109) advances the hypothesis that past injustices prevented RGT “from fully developing their own culture and identity” and that, for this reason, it would be helpful to “focus on the arguments supporting actions to enable groups to become minorities” (i.e., having some sort of “cultural” cohesion and political voice).

<sup>19</sup> This concern has been particularly raised by some feminist theorists who denounce the way in which women from minority groups are often seen *a priori* as “victims without

in a more nuanced way, as we do with class and gender, as “something that influences, shapes and constrains behaviors, but does not determine it” (Phillips 2007, 10). This approach leads to the rejection of naturalistic readings of ethnicity that draw rigid boundaries between ethnic connotations and social and political interests framed by unequal power relations. More specifically, it leads to the rejection of readings of RGT ethnicity that tend to exclude this group from their domain without understanding the interactional dimension of injustice that especially characterizes these marginalized groups.<sup>20</sup> The other extreme to avoid is one which, in order to fight communitarian essentialist and holistic notions of culture that trap people in their identities, ends up trapping people in a reified idea of individual rational agency, and/or in a cosmopolitan “postmodern” praise of hybrid identities (e.g., Waldron 1995).

A multiculturalism aware of these two risks and willing to work within an ongoing balance between self-designation and external recognition will not be interested in culture *per se* but in the political (mis)use of ethnic and cultural identities and “in turning their negative and stigmatic status into a positive feature of the societies that they are now part of. This means that multiculturalism is characterized by the challenging, the dismantling and the remaking of public identities.” This approach comes from the acknowledgment that the “denigration of a group identity, the pretence ... that a group does not exist, the withholding of recognition or misrecognition is a form of oppression” (Modood 2007, 43, 52). This might be a first step toward a research agenda centered on an idea of multiculturalism embodied in an active and restorative principle or recognition—one that affords identities untainted by stratified patterns of misrecognition and oppression. This would set the stage for a fairer assessment (and self-assessment) of the relative disadvantage of RGT. Only on that basis would it become possible to devise appropriate redistributive responses to that disadvantage.

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agency” (Shachar 2001, 66), highlighting the tendency to attribute all aspects of behavior to culture when dealing with women from ethnic minority groups. Moreover, culture has been invoked in some judicial cases by male defendants to explain and minimize violent crimes against women (see Phillips 2007, 90).

<sup>20</sup> By “interactional” we mean the way in which, in case of multiple disadvantages, the ethnic and socio-political dimension frames each other. The term belongs to the feminist parlance and was introduced with the aim to grasp oppression as something irreducible to one fundamental type, but as different oppressions that produce injustices working together; for example, in some circumstances, a black woman can be victim of both racism and sexism in a way that racism is infected and changed by sexism; and, vice versa, sexism is infected and changed by racism (Bagihole 2009, xvi; 1–5).



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# Negotiating Identity in the Diaspora: Ethnoscapes of Southeast Asian Communities in Los Angeles<sup>1</sup>

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## 1. Introduction

In this chapter we explore the circumstances of emerging landscapes in the transpacific communities of the Los Angeles metropolitan area.<sup>2</sup> In particular we are interested in four transpacific diasporas—Cambodian, Filipino, Thai, and Vietnamese—that are trying to establish roots and negotiate their ethnic and immigrant identity within the complex, incessant, polyglot, and sprawling urban matrix of the Los Angeles metropolis. As the title of the paper suggests, we have chosen to anchor our explorations to the construct of “ethnoscape,” advanced by Appadurai (1990 and 1991) in his treatise on globalization and its many outcomes, to describe a trend of shifting landscape of peoples and groups and their social connections and identities forming across global spaces and alien lands.<sup>3</sup> Further, and for symmetry, we have chosen to define the metropolitan matrix of Los Angeles as essentially one of “spaces of flow,” drawing in this instance from Castells’s (1996) notion of the “network society.” We believe it is an appropriate metaphor that captures the dy-

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<sup>1</sup> An earlier version of this chapter, entitled “Ethnoscapes in the Network Society: The Southeast Asian Communities of Los Angeles” was presented at an interdisciplinary colloquium on Homelands, Diasporas, and Movement of Populations organized by the Center for Transpacific Studies, USC College of Letters, Arts, and Sciences, April 2010.

<sup>2</sup> Transpacific communities refer to the immigrants from Asia-Pacific countries, other than China, Japan, and Korea—which are generally covered under (and dominate) the scholarship on East Asian cultural studies.

<sup>3</sup> Apart from “ethnoscape,” Appadurai also described the global cultural flow in terms of “mediascape,” “finanscape,” “ideoscape,” and “technoscape,” representing movement of images, capital, ideologies, and technology, respectively.

namism of the constantly evolving urbanism of the city shaped by the flow and interaction of capital, goods, information, people, and vehicles, and the many related economic, political, and social transactions. What is common to these two metaphors is the notion of flow. Curiously for us, Appadurai's original formulation of "ethnoscape," while emphasizing social connections and networks, remains mainly aspatial and does not refer to places (buildings, neighborhoods, districts, cities, regions), or the built environment of the physical city. Even such notions as localities, enclaves or urbanism, used quite commonly these days in urban sociology or human geography (Varady 2005; Irazabal 2010) are not integral to this lexicon. Indeed Appadurai himself admits that his definition of "ethnoscape" has a provisional and open-ended quality, and that it is certainly open to embellishment, if not redefinition. In fact, according to Appadurai (1991, 191), "this neologism has certain ambiguities deliberately built into it." He intends this amorphous concept of ethnoscape to engage and challenge neatly bounded and localized perspectives in light of the disjuncture and deterritorialization of global cultural processes and flows. We proceed with this invitation to rethink ethnoscape as a phenomenon that is composed of scenes and traces of ethnic identities (e.g., music, food, art, festivals, rituals, images etc.) in the urban fabric of the city's spaces. Our explorations are mainly conceptual in nature and provisional in scope. We will try to bolster our arguments from preliminary and admittedly cursory field observations of the urban spaces of four Los Angeles area transpacific diasporas—Cambodia Town, Filipinotown, Thai Town, and Little Saigon.

### *1.1. Ethnoscapes, Places, and Flows*

While Appadurai's "ethnoscape" remains mainly an aspatial concept, Castells, however, explicitly speaks of two types of spaces—spaces of flows and spaces of places—that exist in a tension within the network society. Spaces of flows may be defined as "*the material organization of time-sharing social practices that work through flows*" (Castells 2003, 442, original emphasis), including the "layers" of a "*circuit of electronic exchanges*," "*nodes and hubs*," and the "*spatial organization of the dominant, managerial elite*" (Castells 2003, 442–45, original emphasis). This definition highlights the dynamism and mobility as well as the transience, impermanence and transmutability of spaces required for (and produced by) the efficient flow of capital, goods, labor and information.

Castells defines “spaces of place” as “*a locale whose form, function, and meaning are self-contained within the boundaries of physical contiguity*” (Castells 2003, 453, original emphasis). Spaces of place bear a shared meaning. These shared, unique, identifiable meanings and images are acquired by virtue of the built form, cultural or political function, way of life, or other characteristics. He sees growing conflict and tension between the global and the local that lead to insurgency of different forms, which he has documented at length in the second volume of *The Information Age* trilogy. We find Castells’s argument helpful in framing our explorations of these immigrant spaces.

In particular this framing helps us to identify several ironies. First, the phenomenon of the emergent, if inchoate, urban spaces of diaspora can be seen as a resistant identity against the homogenizing spaces of globalization—the ubiquitous urban sprawl, for instance—by those who themselves serve as “agents” of globalization (Pizarro et al. 2003). Second, the very attempt to establish the identity of diaspora, however, is often resisted by the host community that also can be seen as resistance against globalization. Anecdotes abound: the construction of a Hindu temple or a Muslim mosque obstructed by local neighborhood activists; Chinese characters used in business establishments are vandalized; the practice of *feng shui* considered a violation of city ordinances, and so on. The final irony is that this search for a spatial identity of diaspora takes place in an urban context like the Los Angeles metropolitan area that is defined by a system of arterial corridors and freeways. This can be seen as an epitome space of flows in a network society, as we have noted previously. In the concluding part of this chapter we will revisit these ironies in light of subsequent discussions.

### *1.2. Socio-spatial Production of Urban Communities*

It is apparent that the spatial narrative of ethnoscapes is a complex anthology that defies conceptualization within the existing literature on the social order of communities or the social ecology of cities. The concept even eludes the more recent discussions on the “enclavization” of ethnic groups. The Chicago School tradition of defining social areas of cities through factorial analysis (also known as factorial ecology) of socio-economic and racial data was influenced by animal and plant ecologies with a strong underpinning in marketist ideology. But their application in understanding the construct of ethnoscapes remains limited. Generally they ignored land use or urban form characteristics and failed to conceptualize the urbanism resulting from the clustering of socio-economic and ethnicity traits.

In recent years urban scholars from USC and UCLA have argued that the Chicago School tradition to urban theory fails to capture the fragmented, polyglot, dynamic and evolving urbanism of American cities such as Los Angeles (see, for example, Dear 2001, 2002; Dear and Flusty 1998; Scott and Soja 1986). In contrast to the Chicago School, the Los Angeles School attempts to conceptualize what Banerjee and Verma (2001) call the “soft metropolis” through narratives and metaphors rather than factorial models of the earlier era. However, their general tenet remains wedged between critical political economy and postmodernist arguments. Regrettably ethnoscapings do not feature specifically in the agenda of the Los Angeles School, though this agenda refers to the polyglot nature of the metropolis.

Studies in urban sociology have focused on the territorial identities of working-class and poor ethnic communities often defined through the “turfs” asserted by competitive youth gangs and the like. In *The Social Order of the Slum* (1968), Suttles explored how and whether the territorial identities were coterminous with senses of ethnic solidarity in the inner-city neighborhoods of immigrant ethnic communities—Irish, Italian, Portuguese, East European—of an earlier era along with African Americans and Puerto Ricans in cities like Boston, New York, Baltimore, and Philadelphia. Issues of “turf” and territoriality should be a valid consideration in mapping the spatial contours of ethnoscapings, as many such ethnic communities exist in a cheek by jowl relationship that can produce tension.

In a later work Suttles (1972), makes a case for more situational, contingent, and even provisional senses of communities that may coexist in personal constructs of communities. Thus we might simultaneously identify with a propinquity-based “face-block community,” a “defended community” as in the case of gang turfs, a “contrived community” created out of necessity of a common but episodic cause like the need for a stop sign in a neighborhood street and a “community of limited liability” defined by the larger corporate identity (i.e., the city or county) of one’s residence. Turf and territoriality are also the central theme of *City Trenches* (1981), Katznelson’s work on city politics. He has argued that in the contemporary multicultural urban context territorial identities are firmly rooted in space and play a major role in the urban outcomes of local political processes.

Is it then possible that the ethnoscapings we are exploring may consist of multiple and parallel senses of communities, where the social and economic mobility within the community of diaspora may lead to diffusion

and disaggregation of the identity of the ethnoscape? A case in point is the discontinuity in the ethnoscape of the Thai community in Los Angeles. The identity of the East Hollywood-based Thai Town is defined by commercial establishments and working-class immigrants, while the identity around Wat Thai temple in North Hollywood is clearly linked to the more prosperous Thai immigrants who have chosen to live in single-family detached homes typical of the Los Angeles suburbia.

Lefebvre's idea of "the social production of space" is useful in the context of our relevant ethnoscares of the four transpacific diasporas. In particular, we find that Lefebvre's triad of spaces—lived, perceived, and conceived—is a useful conceptual typology to structure many of our observations, speculations (hypotheses) and questions that remain unanswered. It is obvious that future research should focus on the "lived" or representational spaces of these ethnoscares. We believe that this representational space can be captured from cognitive maps drawn by the residents and business owners of these study areas. Studies of this kind may give us a better understanding of the locational trajectories and identity negotiations. The perceived space, interpreted as one defined by spatial practice, and therefore an observable phenomenon, might be studied ethnographically, but also through surveys and mapping of activities and their loci, perhaps using the GIS software. Studies of this nature may give us new insights of the role of civil society and community building in the development of ethnoscares. Finally, the conceived space or representations of space can be seen as the narratives of these ethnoscares captured in the writings, public transcripts, media reports, planning documents, as well as image-making in these places. These studies may help us understand how exogenous representations and abstractions of the ethnoscares shape their identities as communities and places.

### *1.3. Cities as Sites of Transnational Identities and Immigrant Enclaves*

Sassen (2002, 2003) espouses the notion of postnational citizenship in the context of the rise of networked global cities as centers of capital and power. In her opinion the world order is being reorganized along a hierarchy of cities as global command centers, and citizenship is following suit. Cities are also involved to a great extent in the literature on insurgent citizenship, as sites of everyday practices. For Purcell (2003) the new formulations of citizenship "undermine the hegemony of the current model of citizenship, [which] has opened greater political opportunity to imagine and realize new citizenships." Urban centers, as points of concentration of

immigrants, are at the heart of these changes. According to Sassen (2000, 56) “the space constituted by the global grid of global cities, a space with new economic and political potentialities, is perhaps one of the most strategic spaces for the formation of transnational identities and communities.” It is from the perspective of locating these new economic and political potentialities that we are studying these ethnic enclaves.

We have considered also the most recent literature on the emerging immigrant enclaves in multicultural globalized cities around the world (Varady 2005). There is considerable scholarly interest in the way ethnic enclaves are formed and how they might be different from the traditional ghettos of earlier origin. While there are social, political, moral, and ethical issues with ghettos, enclaves are seen as a result of voluntary choice and preference for living in a community with shared language and culture and as Marcuse argues, enclavization must be understood as “a means of protecting and enhancing their economic, social, political, and/or cultural development” (2005, 17). Based on his study of the Greater Toronto area, Qadeer theorizes that ethnic “enclavization” can be understood as a three-stage process. The first stage involves the residential clustering of older and newer immigrants lending support to each other in transition. In the second stage, the presence and development of commerce, community services and cultural cum religious institutions are critical to the sustenance of the enclave. A third stage is reached when “the community becomes a segmented subhousing market sustained by real estate agents, businessmen, lawyers, and community and religious leaders” (2005, 58).

What follows then are brief descriptions of the four ethnoscape of Southeast Asian and our overall observations. In concluding we argue that these ethnoscape suggest different levels of assimilation, diffusion if not fusion, as well as contamination (as discussed by Appiah 2006) within a globalizing culture of what Sandercock (1998) refers to as the “cosmopolis.”

## **2. Brief Descriptions of the Four Study Areas**

It will be apparent in figure 9.1 that the distribution of these diasporas in some cases extends much beyond the locations of the “towns.” Nor, for that matter, do these towns have a formal portal as commonly seen in Chinatowns of Los Angeles, San Francisco, and elsewhere.



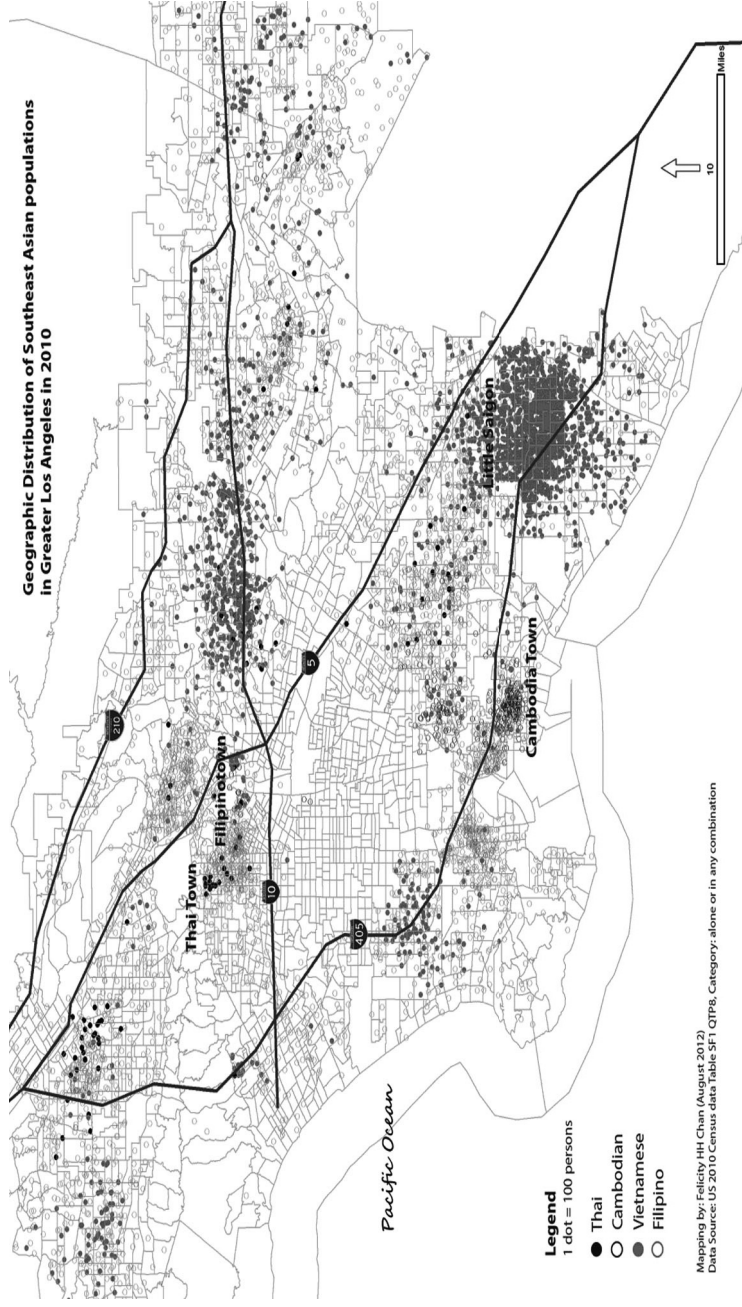


Figure 9.1. Distribution of the Southeast Asian population in greater Los Angeles (Los Angeles and Orange Counties only).  
Source: data from US Census 2010, map created by Chan 2013.

### *2.1. Thai Town (Hollywood) and Sun Valley*

There is very little dedicated literature on Thai Town in Los Angeles although we know of scholars looking into East Hollywood and various aspects of the Thai community in Los Angeles. A study by Bao (2008) about the Wat Thai temple and its relevance to the Thai community in Silicon Valley in Northern California is also relevant because of similar dynamics faced by the Thai community in North Hollywood. According to Bao, the architects of the temple had to make many adjustments to have their design fit the local building codes, including ramps for accessibility, bathrooms in the building, etc. This does relate to one part of what our study is trying to do—tie the struggle over space (at different scales) to the wider process of integration.

The Thai community in Greater Los Angeles is popularly known as the 77th province of Thailand. As the biggest Thai community outside Thailand, the Thai community in Greater Los Angeles (Los Angeles, Orange, San Bernardino, and Riverside counties), according to the 2010 US Census comprises a population of 41,900 (who self-identified as Thai alone or in combination with other races), of which 72% are foreign born. Of these 41,900 Thais, 72% live in Los Angeles County.

The first recorded wave of Thais arrived as students in the 1950s. However, it was not until the 1970s that Thai Town as a spatial entity emerged in East Hollywood. Thai Town is centered along Hollywood Boulevard, and bounded by Sunset Boulevard to the south and stretching between Hollywood Freeway 101 and Normandie Avenue. It gained official recognition in 1999. Another significant cluster of the Thai community began developing in the North Hollywood suburbs of Sun Valley beginning in the 1990s around the Wat Thai temple at Coldwater Canyon Avenue and further south along Sherman Way (see figure 9.1).

The initiatives of Thai Community Development Center (CDC), set up shortly after the 1992 LA riots, include affordable housing, small business opportunities and place-making projects. Overall, Thai Town has a mix of dense urban housing with retail, restaurants and small businesses housed in both single-story mini-malls as well as multistory malls (see figure 9.2). In Sun Valley, the area around the Wat Thai temple is mostly single-story residential use, while along Sherman Way, between Coldwater Canyon Avenue and Woodman Avenue, big Asian supermarkets, Thai eateries and other services can be found, along with a mixture of strip malls and mini-malls (see figure 9.3).



Figure 9.2. A scene from Thai Town: Hollywood Boulevard and Western Avenue. Source: Chan 2010.



Figure 9.3. Wat Thai temple in Sun Valley. Source: Chan 2010.

## *2.2. Little Saigon (Westminster) and San Gabriel Valley*

Of the areas considered here, Little Saigon in Orange County has been the most studied as a community. Mazumdar et al. (2000) investigated the sense of place that an ethnic enclave such as Little Saigon offers. The study is thorough and extensive in its argument that such ethnic enclaves provide a safe haven for Vietnamese immigrants, however, it is limited by its insufficient attention to internal class differentiations within the Vietnamese community, the challenges faced by them, and the processes through which solutions were negotiated. It presented a static view of ethnic space. Vo and Danico (2004) studied Little Saigon (and also Koreatown of Garden Grove) as part of the demographic transformation of Orange County to become a postsuburban community and in that study they discussed the economic, political, social and cultural aspects of the formation of Little Saigon. As compared to the earlier study, the authors are far more attuned to the struggles of the Vietnamese community in establishing an enclave and described the local struggles of the Koreans vis-à-vis the Vietnamese in obtaining official designation, signage, etc. We recognize their contribution as a valuable starting point for a more nuanced understanding the socio-spatial development of Little Saigon.

According to the 2010 US Census there are 300,000 people of Vietnamese origin (73% foreign born) living in the Greater Los Angeles area, of which at least 59% are living in Orange County and another 40% in Los Angeles County. In the Los Angeles County area, preliminary mapping shows that a good number of business establishments are concentrated in the cities in San Gabriel Valley such as Monterey Park, San Gabriel, and the Alhambra area along the main Chinese commercial spine of Garvey Avenue and Valley Boulevard.

Little Saigon in Westminster, Orange County, located about 35 miles south of downtown Los Angeles, was formed in the late 1970s and formally recognized in the late 1980s. The main commercial spine runs east-west along Bolsa Avenue between the I-405 and Euclid Street. Parallel to the north is Westminster Boulevard near Garden Grove, which is also a commercial spine albeit less dense. In terms of the scale of concentration of ethnic businesses, Little Saigon has a higher density of retail, restaurants, supermarkets and more extensive forms of day-to-day services, such as financial and medical businesses. The urban form is composed of a mix of two- and three-story mini-malls and strip malls, larger enclosed malls, such as the Asian Garden Mall, which houses a food court, restaurants, jewelers and goldsmith retail shops, as well as shops selling clothing, reli-

gious figurines, and DVDs, some bearing colonial traces of French words and phrases (figures 4 and 5). The residential areas in Westminster are made up of mostly single-story units, not unlike suburban housing in Los Angeles.



Figure 9.4. Images of Little Saigon: café and chess along Bolsa Avenue.  
Source: Chan 2010.



Figure 9.5. Little Saigon: Typical mini-mall directory. Source: Chan 2010.

### *2.3. Cambodia Town (Long Beach)*

Needham and Quintiliani (2007) have described Cambodian settlement in Long Beach in its historical context (1950–1990). The authors highlight the various federal government policies related to refugees that were responsible for the growth of the Cambodian concentration in Long Beach as well as explaining the dynamics of social and economic change in the community. Although the authors mention the significance of East Anaheim Street, their story does not explore the spatial dimension, especially the motivations and politics of claiming space in the neighborhood. It is this dimension that remains of focal interest for us.

According to the 2010 US Census, 52,000 Cambodians live in Greater Los Angeles, of whom 62% are foreign born. Of the total Cambodian population, 72% live in Los Angeles County. Cambodians arrived in Long Beach in large numbers as refugees in the latter half of the 1970s (figure 9.6). It is now the largest concentration of Cambodians outside Southeast Asia, with Long Beach and Phnom Penh sharing sister city status.

Cambodia Town was officially designated in July 2007, even though lobbying for recognition started in 2001. It is a mile-long section of Anaheim Street between Atlantic and Junipero Avenues (see figure 9.1). The area is also home to a large Latino population, and fears of interethnic competition were expressed in the debates leading up to the designation (Chan 2013). Cambodian businesses on the one-mile stretch are predominantly restaurants and grocery stores, but also include salons and similar services, DVD shops, jewelry stores, insurance and travel agents and an auto body shop among others. The urban form is typical of Los Angeles, with mostly single-story commercial strips along East Anaheim Street. Some of the corner malls include second stories (figure 9.7). A planned business improvement district is yet to materialize. Overall there seems to be a relative dearth of investment, going by the facades, the small, tightly packed stores and the lack of an organized theme for architectural design or even street furniture. The one-mile stretch of Cambodia Town includes a church, a public library, a neighborhood cultural center and a park, with a middle school located a block from the center. As a result, the sidewalks are used intensely, young people can be seen walking around, and at least during the day Cambodia Town is a safe and active place.



Figure 9.6. Cambodian refugees at Camp Pendleton, 1975. Source: UCLA Library 2012a.



Figure 9.7. Commercial spine of Cambodia Town along East Anaheim Street. Source: Chan 2012.

#### *2.4. Historic Filipinotown (Temple-Beaudry Corridor)*

Lastly, Cheng's (2009) analysis of Historic Filipinotown—which addresses the contested politics of naming the area, which is not the site of the major Filipino concentrations in Los Angeles— provides a useful introduction for considering strategic factors that make formal designation of ethnic urban spaces an overtly political process.

Filipinos are one of the largest ethnic groups in Los Angeles. According to the 2010 US Census, 580,000 Filipinos are estimated to be living in Greater Los Angeles, 59% of whom are foreign born. Of this total population, 64% live in the Los Angeles County. Filipino immigration to the United States started in the 1920s. Initial points of concentration were around downtown Los Angeles, first close to Little Tokyo, and then Bunker Hill (figure 9.1). Filipino families looking for more spacious accommodation first started settling in the “Temple-Beaudry Corridor” northwest of downtown LA in the 1940s (figure 9.1). The neighborhood was formally designated as “Historic Filipinotown” in August 2002.

Historic Filipinotown is the area between a 1.5-mile east–west stretch between US Highway 101 and Beverly Boulevard, enclosed by Glendale Boulevard on the north and Hoover Street on the south, which are about half a mile apart (figure 9.8). The area has mostly residential use with predominantly rental apartments—one of the apartment buildings is called “Manila Terrace”—but the area now has a predominantly Latino population and most businesses cater to the Latino market. Filipino businesses are restricted to a few restaurants. The presence of the designated ethnic town is nondescript with mostly strip and corner mall commercial uses. Even though there is clear signage from the freeway all the way to Historic Filipinotown, the prevalence of national chain stores and Latino businesses makes it is easy to miss. The Historic Filipinotown Chamber of Commerce (HFCC) was formed after the official designation. HFCC organizes festivals (figure 9.9) and special events to increase visibility and spur growth. Both community-made murals and gang-related graffiti can be seen on the walls in the area.

It is important to note that the Filipino community is well dispersed around the Greater Los Angeles area. Other significant concentrations include Eagle Rock, Carson and Long Beach. A move to designate a Philippine Village at Eagle Rock was quashed in 2002. The choice of “Historic Filipinotown” as the designated “town” was likely driven by a desire to remember Filipino history and, perhaps, to enhance economic development in an otherwise struggling area.





Figure 9.8. Filipino family roasting pig, 1976. Source: UCLA Library 2012b.



Figure 9.9. Filipinotown annual festival and 5 k run. Source: Chakravarty 2010.

### 3. Findings and Observations

#### *3.1. Four Trajectories of Ethnoscape Locations*

The four cases studied here show distinct relationships between the location of the designated town and the areas where the respective ethnic populations are concentrated. In the case of the Thai community, there are two principal concentrations—the cities of East Hollywood and North Hollywood, which are about 10 miles apart. The designated Thai Town is the commercial district in East Hollywood. The other point of concentration also has a Thai coethnic commercial concentration and the famous and important Wat Thai temple, but no official designation. We can speculate that the former was an obvious choice because it is the historical core and its location on a major commercial stretch (Hollywood Boulevard) makes it more visible to outsiders, even though it is far from other Thai residential communities.

Following a different trend, Historic Filipinotown near downtown Los Angeles is a central choice for the large Filipino community which is dispersed all over the Greater Los Angeles area with several points of concentration. Ironically though, Historic Filipinotown itself has a predominantly Latino population. So despite its central location for the Filipino community, it is poorly placed demographically to become a major destination. Historic Filipinotown embodies Gertrude Stein's phrase "there is no there there." In fact, as mentioned earlier, in 2002 the Filipino community attempted to designate a second "town" which has emerged as a more attractive destination for Filipinos, but the proposal was defeated because the community already had one designated location in the city.

The Cambodians in Los Angeles County are most prominently concentrated in the City of Long Beach. Cambodia Town consequently has the most straightforward reason for its location—where the main Cambodian population and business concentrations are already located.

The location decision of Little Saigon shows a fourth distinct relationship with the population concentration. Although recognized officially as the largest concentration of Vietnamese in Greater Los Angeles, Little Saigon is not central in location to other Vietnamese residential concentrations in Los Angeles. In fact it is up to 30 miles away from some of them. It should also be considered that while other sites are officially designated in low- to middle-income areas of Los Angeles County, Little Saigon has a relatively higher income population in comparison. This might be ex-

plained by the fact that it was designated in the 1980s, when the location in Orange County was home to the single largest concentration of Vietnamese population. It grew prosperous over time, stayed in place, and gradually accumulated investments in the enclave.

There is yet another aspect of class in the enclaves. In the case of Thai Town and Cambodia Town, the sites attract relatively low-wage coethnics, often newcomers, looking for jobs. The more established families have moved on to their respective “ethnoburbs,” except in the case of Little Saigon, which itself is in an ethnoburb (Li 2009). Both Thai town and Historic Filipinotown are home to various community-based service organizations. The ones in Filipinotown, for example, include the Pilipino Workers Center (PWC), the Filipino American Community of Los Angeles (FACLA), the Filipino American Service Group, Inc. (FASGI) and, Search to Involve Pilipino Americans (SIPA).

From the various different location-concentration relationships we can see that there are various historical, political and economic reasons at play for selecting a certain neighborhood or commercial strips as a community’s representative “town.” It is not simply a matter of designating a “center,” as may have been the case when the big three enclaves (Chinese, Korean and Japanese) were designated.

### *3.2. Culture in the Marketplace: Politics of the Ethnic Economy*

From these four cases we note a desire in the community to receive official designation. The Vietnamese community was the first to receive this designation in the 1980s and for about twenty years it remained the only transpacific community (in addition to the big three) to have had such designation. Then, in the early 2000s, the Thai, Filipino and Cambodian communities demanded “their” designated spaces, too. What might have spurred this behavior? We discuss here the politics of identity designation. We acknowledge, of course, that the commercial/retail sites (grocery, restaurant, etc.) serve everyday “mundane” functions for an immigrant population. They have been doing so since they came into existence in the mid-1900s. What we are particularly interested in is the process of becoming designated “towns” where the practice of identity becomes eminently political.

Undoubtedly, the communities are motivated by a desire to remember their history in the United States, and celebrate their contributions to American society. This might also have been achieved through films, museums and the naming of streets, etc. As the multicultural paradigm

took root in US society, however, the desire to remember seems to have acquired a spatial component. This means that there is now a greater emphasis on having a designated “town,” which is visible to all and creates a brand for the community. It is difficult to say whether this desire is better understood as a desire to remember or a desire to not be forgotten, but it does appear to be competitive. It may in itself point to the shortcomings of multiculturalism as a cohesive force as communities have sought recognition of their unique identity. In a way multiculturalism, which held the promise of equal respect, has in practice translated into equal competition for recognition.

Closely related to the branding of ethnicity are the respective city’s strategic interests in designating ethnic towns. City governments trying to promote community and economic development see enclaves as possible destinations that could attract visitors and customers. As destinations go, being “historic” adds immense value to the potential of a place. Both the Thai and Filipino designated towns have historical credentials. Thai Town was recognized as a “Preserve America” community in 2008, and Filipinotown has been “historic” since its designation. City authorities have sought other ways of getting involved. In Cambodia Town, the city of Long Beach sponsored a mural on the wall of the New Paradise Restaurant, which depicts children of various ethnicities reading the story of the movement of Cambodian people from their native villages to Los Angeles. The mural can be read as the city’s attempt to promote community ownership of an ethnic identity and allay fears of intensifying racial tensions. In Historic Filipinotown the local city council member Eric Garcetti actively pursued its designation. Immediately after the designation the Historic Filipinotown Chamber of Commerce (HIFICC) was created and was headed by Garcetti’s field associate, Chito Tenza (Dia 2003).

It is still an open question whether these four transpacific communities were inspired by the models of the Big Three enclaves, and wanted to follow the same path to incorporation and, from that perspective, saw a designated “town” as indispensable. There is little doubt though that the process of designation and recognition is political. In the next part we will discuss some of the negotiated identities that are created through the tensions between being culturally unique and economically integrated.

### *3.3. Identity Negotiations: Instances of Hybridity, Conflation and Piggybacking*

We observe that in the four urban spaces of these Southeast Asian communities, there were evidences of many “joint identity” businesses, for example: Thai-Chinese, Thai-Cambodian, Chinese-Vietnamese, Cambodian-Chinese, Filipino-Chinese, Cambodian-Vietnamese, etc. (figure 9.10). The most explicit and visual examples of these businesses are in the food sector (restaurants, grocery shops and supermarkets), although there are instances of malls e.g., the Asian Garden Mall in Little Saigon where Chinese historical, religious and mythological figures are prominently visible in public gathering spaces (figure 9.11 and 9.12).



Figure 9.10. The conflation of nationality and ethnicity in fusion cuisine.

Source: Chan 2010.

We find this conflation of identities fascinating with regard to the production and formation of ethnoscares. We have several hypotheses regarding the source and nature of these “joint identities” which would require more in-depth research to confirm. First, we observe that “Chinese” is often a popular addition to these “joint identity” businesses. We think



Figures 9.11 and 9.12. Chinese mythical, religious and historical figures displayed in Asian Garden Mall, Little Saigon. Source: Chan 2010.

that perhaps this is a form of strategic marketing on the part of businesses to appeal to a larger market by relying on “name recognition” by piggybacking on a more established brand. A second possibility is that these “joint identities” directly reflect the hybrid identities that these migrants have. Most signs displayed by these businesses present a certain order in their naming, for example, nationality-ethnicity. This could also indicate that the proprietors are Thai, Cambodian or Vietnamese in nationality but Chinese in ethnicity. This is not surprising given that Southeast Asian Chinese are frequently members of a wealthy but persecuted minority who have the means and motivation to migrate to the United States. A third possible explanation for the “joint identity” is that the three Southeast Asian communities, with the exception of the Filipinos, are geoculturally adjacent within Indo-China. Not only do they share many similar cultural and historical traits, but they may have cross-cultural marriages and familial connections.

As a distinct characteristic that unites these four different urban spaces, we think that the above observations lead us to pursue a certain research agenda. Foremost, we would like to consider different forms of hybridity (including fusion, piggybacking, conflation, *mélange*) in identity formation and analyze their influences in the production of ethnoscapes (drawing on literature written about hybridity by Roy 2001, Sandercock 2003 and Appiah 2006). Secondly, we must understand the transpacific flows of people and ideas shaping the urban spaces in American cities against the background of Southeast Asian geocultural proximities and connections. Lastly, these “joint identity” businesses present cases in which to explore the interaction and relationship between different group identities, e.g., whether the joining of identities is convivial or embedded in the tension and conflicts between subgroups in the communities, and how this dynamic shapes the urban ethnoscapes of Greater Los Angeles.

#### *3.4. Socio-spatial Practices: Civil Society and Quotidian Life*

(i) *Location in spaces of flow*: Perhaps the most significant feature of the ethnoscapes of all four communities is their location along the arterial corridors of Los Angeles. Sociologist Felson (1987) refers to “mosaic” and “reef” as competing metaphors for describing the metropolitan landscape. To use one of his metaphors, the notion of “reef” might be appropriate to think of these arterial corridors because they serve as conduits of facilities and services (Banerjee and Baer 1984) for adjoining communities and residential clusters. In all of these instances small enclaves of an

ethnic population are attached to the reef, as is the case for many other residential neighborhoods of Los Angeles. These transpacific Southeast Asian communities are identified by their respective ethnic commercial establishments like restaurants, food markets, gift shops, bridal shops, bakeries, personal and professional services displaying ethnic-language signage. In their search for an identity within the quintessential Los Angeles landscape of traffic, parking lots, mini-malls, strip malls, gas stations, neon lights, and billboards that stretches endlessly across the metropolitan landscape, they are all engulfed in the landscape of a ubiquitous market economy. At the same time, there is a scarcity of the more commonplace American fast-food joints like Starbucks or supermarket chains such as Ralphs or Vons in these urban spaces. A question of interest here is the order of the emergence of these ethnic commercial landscapes. Which came first—the commerce or the community? Our hunch is that it is the latter. The community provided the initial market for restaurants and grocery stores, followed by the entrepreneurial response to serve a larger service area that includes extra-ethnic customers.

(ii) *The “mall” of ethnoscap*: Since the primary identities of these ethnoscapes are derived from their commercial establishments, it is necessary to differentiate these settings according to a hierarchy of settings within what we have called the ubiquitous “market landscape” of Los Angeles. Table 9.1 captures the essential traits of these ethnoscapes.

**Table 9.1. Los Angeles Ethnoscapes**

|                   | Filipino Town<br>(Temple-<br>Beaudry) | Cambodia<br>Town (Central<br>Long Beach) | Thai Town<br>(East Holly-<br>wood) | Little Saigon<br>(Westminster) |
|-------------------|---------------------------------------|------------------------------------------|------------------------------------|--------------------------------|
| Main Street       |                                       | X                                        |                                    |                                |
| Mini-malls        |                                       | X                                        | X                                  |                                |
| Strip Malls       | X                                     |                                          | X                                  | X                              |
| Enclosed<br>Malls |                                       |                                          |                                    | X                              |

The differences in these settings are as follows: The Main Street type refers to the pre-mall era of retailing where individual stores and shops are located along a stretch of a shopping street as was typical in American cities of an earlier era. Mini-malls are smaller, sometimes two-storied clusters of small shops that typically have replaced a former gas station, or a parking lot. Strip malls are larger malls that may occupy entire blocks,



with parking in the front and a line of shops in the back, often anchored by fast-food outlets or a drug store. Finally, the enclosed mall is the self-contained air-conditioned complex of multiple stores, usually higher end, with an interior galleria or atrium. This typology of commercial settings and their hierarchy suggests also a corresponding scaling up of capital investment and scope of development that progress from a neighborhood scale to a regional scale market and service area. Within this hierarchy, Little Saigon shows the most significant and successful commercial ethnoscape, while Filipino Town has the weakest identity. This need not be seen as a paradox. It is precisely because the Filipino population is one of the largest, oldest, most dispersed and most assimilated Asian immigrant groups, which is a result of the long history of the American relationship—colonial and postcolonial—with the Philippines.

(iii) *Civil society*: Each of these ethnoscares has varying degrees of emerging civil society. The Filipino presence in Carson in a commercial strip suggests little sense of community or civil society. Yet within the larger Filipino community there is an organized campaign through posters and brochures for the general public to recognize the historic Filipinotown in lower Hollywood, which dates back to the earlier part of the last century. Whether this civic initiative extends beyond the effort to anchor the historic identity of the Filipino community in Los Angeles remains a matter of further investigation.

In contrast the Cambodia Town strip comes with a branch library and a community cultural center. Although none of these facilities are exclusively for the Cambodian community, they certainly benefit from bordering an area with a significant Latino and African American population. Here the co-location with other lower-income minority groups helps the emerging ethnoscape to acquire a civic dimension. But does the larger institutional infrastructure impede capacity building of their own? The Cambodian mural suggests that it may not. This iconic mural also depicts non-Cambodian, local minority kids who modeled for the painting. And Cambodia Town's recent success at receiving official municipal recognition suggests the same kind of coalition-building effort that we have seen in East Hollywood. It should be noted that Cambodia Town clearly benefits from the "Main Street" atmosphere with its sense of conviviality and its propensity to building social capital.

In the Thai Town case the existence of Thai CDC, although physically removed from the center of action, shows perhaps the highest level of institution-building effort. It is clear they are involved in local economic development affecting the local lower-income and recent immigrant Thai

population. They also offer social services to members of their community, such as victims of human trafficking. At the level of civil society they have built a coalition with dominant minority groups to benefit from Mayor Villaraigosa's new economic development initiatives. This is a different kind of "piggybacking" phenomenon and quite unlike the deliberate conflation with another like group (such as Thai-Chinese, Cambodian-Chinese, Thai-Cambodian-Chinese, etc.) in the commercial sphere as discussed previously.

#### 4. Conclusion

In this chapter we have explored the phenomenon of emerging ethno-scapes in American cities. We have traced the trajectory of establishing spatial identities of communities of diaspora in four communities in the Los Angeles area. We have argued that the process of establishing community identities involves on-going negotiation with the host city characterized by overlapping, diffused, and shifting social ecologies of other diasporas, ethnic enclaves, minority ghettos, and the local political mosaic. This leads to several tensions and ironies.

First, the *tension of place and flows* reflects the inherent irony in immigrants' search for a place-identity in an urban context that suffers from the "placelessness" of a diffused "grid city" (Lynch 1958). The meanings and contours of the turfs keep evolving even as the community's desire to fix an identity to their place (or rather, to fix a place to their identity) intensifies. Place and identity, in this context, are rarely congruent, and a designated enclave can neither contain nor define an immigrant ethnic identity.

Second, the *tension of agents as opponents* illustrates how the emergent inchoate urban spaces of diasporic identity can be understood as a form of immigrant resistance against the very forces of globalization of which they themselves are "agents" (Pizarro et al. 2003). The act of fixing immigrant identities to place responds, at least partly, to an anxiety over the loss of previously anchored identities (culture, language, ethnicity, etc.) due to the homogenizing influence of globalization. Ironically, then, these neighborhoods become the sites of a struggle between enacting and resisting globalization.

Third, the *tension of host and immigrant* reveals the dualistic role of the host society. Whereas host societies might often resist ethnic socio-spatial expressions, they can be interested in acceding to such claims if there are local economic development benefits—a phenomenon referred

to by Chakravarty (2010) as “market culturalism.” This tendency carries risks of “Disneyfication” and essentialization of cultures in an “Orientalist” way (Said 1978).

The quest for claiming identity necessarily involves a deliberate and ironic “othering” of self-tantamount to a denial of the “melting point” ideal in a society where assimilation and acceptance remain a cherished goal (Glazer and Moynihan 1970). Thus self “othering” comes with associated liabilities as well.

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# What Is “Out of Place”? Intolerance in Public Space

*Laco Toušek and Lenka Strnadová*

## 1. Introduction

In modern times, a significant cultural change is taking place in Western societies—the emancipation of the private sphere and its strict detachment from the public sphere. These two categories—connected to economic, political and social forces—structure our everyday behavior and urban space in its symbolic and physical structure. The private sphere is associated with family and friends, intimacy, mutual closeness and exclusivity. It is generally characterized by particularism, fragmentation and group attachment, which on the one hand enhances internal cohesion and solidarity and on the other hand allows for exclusion, mutual competition, and value-based difference. To use Arendt’s terms, the private is “related to the maintenance of life ... to the life of the individuals and the survival of the species.” As such, both the internal life of the household and matters of purely economic life are private and nonpolitical (Arendt 1958, 28–29). Regardless of whether we talk of the family or the market, what holds these institutions together and makes individuals interact inside them is a certain similarity of shared interests, goals, and values, and the capacity to exclude one another (see also Habermas 1991; Young 1990).

On the other hand, the public sphere, more narrowly understood in urban environments as public space in the form of streets or squares, is characterized by the confrontation of mutually foreign individuals, impersonality and a more or less inclusive approach. The private sphere and its space is a place of familiarity and similarity, while the public sphere and its space is a place of strangeness and otherness. According to both Arendt and Habermas, this otherness, the anonymous, depersonalized, and “abstract” character of actors, their differences, and the optional nature of their interaction make the public sphere the place for the *vita activa* and for true, inclusive, and uninhibited dialogue and communication.

This sketch suggests that the ever more pressing and complex issue of tolerance, respect and recognition of social and cultural diversity in contemporary societies cannot be explored without attending to the production of public space. We agree with Arendt (1958, 50) that only that which is public can truly shape reality. Only in the public sphere, i.e., in dialogue with others, are we able to articulate our positions and interests and form our identities. To put it in other terms:

Public space is a place of simultaneity, a site for display and performance, a test of reality, an exploration of difference and identity, an arena for recognition, in which representation of difference can lead to an awareness of the self and others, and to an examination of the relationship between particular and general, personal and impersonal. It is a place where many-sided truths co-exist and tolerance of different opinions is practiced. (Madanipour 2003, 206)

In our chapter, we ground our critique of the discriminatory production of public space in the well-known rejection of a universalist conception of the public sphere. This conception has faced countless attacks for its hidden relations of dominance, power, and the exclusionary effects of formally value-neutral rules in the public sphere (see, for instance, Fraser 1990). We are interested in how the social production of public space functions in relation to specific populations whose behavior is considered *out of place* and who are therefore expelled from this space by explicit and inexplicit means and policies. This phenomenon will be illustrated by means of two examples: the Roma and the homeless in the Czech Republic. Our goal is to show that public space in a modern capitalist society is not necessarily an inclusive space for all individuals regardless of identity and social status, but is actually a space for cultural conflict, social control of diversity and its repression, and the perpetuation of injustice and inequality. Our claim is in line with Lefebvre's (1991, 26–30) basic idea that the neutrality of (public) space is a myth and is the arena for the mutual struggle between social, political and economic forces and their particular interests (see also Keith and Pile 1993; Low 2000). More broadly, we intend to explore the workings and malfunction of the liberal principle of tolerance in the context of the construction of public space. We argue that with respect to contemporary public spheres and spaces in pluralistic, multicultural societies, the use of the principle of tolerance, due to its universalist commitments, is not only insufficient in safeguarding nondiscrimination and inclusiveness but in fact even reinforces and legitimizes the relations of power and dominance of the majority over marginalized groups.



## 2. On the Public Sphere and Public Space

Urban space in modern Western societies is, as previously stated, structured in terms of private and public. Although these two categories seem to be dichotomous, clearly defined and divided in meanings and function, in practice we are dealing rather with a continuous spectrum mixing and sharing cultural, political and economic influences.<sup>1</sup>

A complex differentiation of the public and private sphere or space, as understood today, is a relatively recent phenomenon which appears in its full form as a result of transformations in economic production, the establishment of a monetary economy, urbanization and transformations of bourgeois families of the eighteenth century (Ariès 1962; Habermas 1991; Madanipour 2003). As mentioned, authors like Arendt and Habermas regard the public sphere ideally as the prime site of public opinion on matters of common concern and as a precondition for democracy and the legitimacy of political power. In its ideal form, for Habermas, the public sphere is universal, inclusive, and separated from the inequalities of socio-economic, cultural, and status differences which remain within the private sphere. Habermas adheres to the universal principles of mutual respect and procedural rules of inclusive communication disregarding individuals' origin and social position (see Habermas 1991). Arendt, from a different angle, is also ready to defend the separation of public and private. She finds it alarming that the transformation of the family accompanied by the freeing up of economic activity—until then part of the familial world—brings the sustenance of economic life ever closer to the public realm (Arendt 1958, 22–78), resulting in what Benhabib interprets as the “disappearance of the ‘universal’” (Benhabib 1992, 90). Arendt warns against the emptying of the political sphere (the ultimate expression of human capacities and freedom) and the rising sphere of the social paternalism.

Despite their substantially different standpoints, both Arendt and Habermas insist on the universality of the public sphere as a precondition for inclusiveness and democratic legitimacy. As Sennett writes:

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<sup>1</sup> Before moving on, it is necessary to provide a brief note on terminology. In this chapter, the terms *public* and *private sphere* and *private* and *public space* are used. The latter pair of terms signifies physical aspects. On the contrary, the former set of terms indicates, in general, all material and nonmaterial products of human activity that in some manner make up the public or private arena.

In Arendt, the whole notion of the public realm is one that transcends difference by design. That is to say when you enter into the public, you take off the particularities of being black, a woman, or poor and you enter into the community of equalization of speech in which self-reference is seen as a violation of the norms of politics. Habermas's notion is that with fuller communicative interaction the differences do not go away, but they do not matter to people, so it does not have that Arendtian fiction of the agora. For Habermas, if you have a vivid public realm, eventually if there is enough interaction, a poor black will feel himself/herself entitled to speak openly to a rich white. So for Habermas the whole politics of the public realm is to make that kind of entitlement, that kind of growing together so that one thinks about what race is or class is without self-reference, occur more and more. (Sennett 2002, 385)

However, as noted, such an idealized account of the public sphere has been powerfully challenged by opponents of the idea of universal reasons a ground for justice and nondiscriminatory rules of conduct (Fraser 1990; Benhabib 1992). Without further detail, we focus on the way the critique of universalism and the privatization or bracketing of difference resonates in a critical analysis of traditional conceptions of public space.

In Simmel's (2002) thinking, the emancipation of the private sphere and its physical spatial division can be viewed as an unavoidable consequence of the process of urbanization resulting in a much gloomier picture of the public sphere. The environment of the home serves as a place for protection against the complexity of urban space and the overflow of mental stimuli stemming from living in a city. According to classic social critics (Engels, 1892; Park and Burgess 1925; Weber 1958), a consequence of urbanization is anonymity, estrangement and indifference as the concentration of a large number of people does not allow for intimate social interaction and mutual understanding. According to Wirth (1938), the diversification of a population grows along with its density and as physical proximity grows among people, so does the distance between them socially. Simmel (2002, 15) reaches the conclusion that personal relationships and emotionality are shifted to the private sphere and, in their place, cold rationality takes root. Public space then becomes a place of indifference or even minor aversion, estrangement and mere instrumental behavior.

Conceptions critical of the universalism and rationalism of the public sphere can also be found even in the field of urban anthropology or sociology where the public sphere is dealt with as a particular space such as in so-called dramaturgical approaches to urban environments, including Goffman (1959, 1971), Geertz (1972, 1973) and Sennett (1970, 1976, 1992). According to the latter, the public sphere is not (or should not be) a place of indifference, but a place of conflict and the constitution of differ-

ences. Sennett perceives the city and the public sphere as a *theatrum mundi* in which people actively play out their roles. He criticizes Simmel's concept of the "mask of rationality" behind which, according to Simmel, people in the public sphere conceal themselves (Sennett 2002). According to Sennett (1976), the public sphere is not a space for instrumental rationality, but for performance and emotions. Sennett insists that things typically judged as private, like matters of identity, ways of life, emotions and social status are and should be performed rather than bracketed within the public realm.

Sennett depicts the public sphere as an interactive space in which differences are, on the contrary, a privileged characteristic of identities. More generally, we may understand performance and self-presentation in public space as the exchange and construction of cultural meanings (Madanipour 2003, 109). It is, however, necessary to add that it can be understood as a construction of personal and group boundaries. At the same time, Sennett (1970) emphasizes that the daily interactive confrontation of dissimilarities is the only tool of mediation, and therefore dysfunction in the public sphere can bring about social conflicts, pseudo-communities and the loss of social cohesion. Put more succinctly, tolerance is possible only under the assumption that people's differences are exposed to mutual "stimulation" (Sennett 2002, 387).

However, Sennett (not unlike Habermas or Arendt) reaches the conclusion that the ideal form of the public sphere lies in the past, as society public man is in a gradual decline in modern capitalism. Contrary to Simmel, Sennett does not find an issue of overstimulation in urban life, but sees the problem as one of "destimulation" (2002, 387) where "public space has become a derivative of movement ... an area to move through, not to be in" (1976, 14). Sennett regards the fall of public man as due to the growth of the role of the private sphere and the nuclear family at the expense of the public sphere. For urban society, it is imperative, according to Sennett, for these two spheres to be in balance as they were in Europe and the United States in the eighteenth century. Since the end of this century, there has been a shift in this balance. "City streets and squares as social centers [have been replaced] by suburban living rooms" (Sennett 1976, 28). In this respect, Sennett, like Habermas (see Fraser 2007, 69–70; Madanipour 2003, 156–57), allows for the idealization of bourgeois urban society.

Post-Marxists in geography, anthropology, sociology and political philosophy also perceive the public sphere and space as a place of differences. Thus we see a common thread among various kinds of contempo-

rary critical reflections on the public and private across disciplines. The first shared feature is the rejection of universalism and the unification of the public sphere alongside a highlighting of conflict, oppression, marginalization and the exclusion of certain groups in contemporary public space. The second common trait is the tendency to deconstruct any strict boundary between private and public as the only way to maintain the ideal of an inclusive public sphere.

Authors who emphasize the spatial aspects of public life have shown that the production of urban space has been connected with oppression and the ruling class. For example, Harvey states:

Cities have arisen through geographical and social concentrations of a surplus product. Urbanization has always been, therefore, a class phenomenon, since surpluses are extracted from somewhere and from somebody, while the control over their disbursement typically lies in a few hands. This general situation persists under capitalism, of course; but since urbanization depends on the mobilization of a surplus product, an intimate connection emerges between the development of capitalism and urbanization. (Harvey 2008, 24)

More explicitly, Low and Smith state:

There is less and less room for the kind of ideal public sphere that Habermas envisages. The advent of neoliberalism clearly threatens a return to the exclusionary liberalism of its eighteenth-century template, but with the technology of the twenty-first century. It masquerades under the same pretension of universal democratic rights fused with the particular interests of an assertive and nationally rooted yet fundamentally transnational capitalist class. The heightened policing of public space at all scales is an integral result of the new political deep freeze. Today's neoliberalism may not divide the populace as bluntly as in the days of high liberal principle when slavery was legal, African Americans were counted as three-fifths of a person, and neither women nor the propertyless possessed a vote, but it makes its own discriminations. (2006, 15)

However, they do conceive public space as a place of possible resistance against oppression, supremacy and cultural hegemony. They see public space as constituted not merely by various subcultures and marginalized populations but also by “counterpublics” (Tonkiss 2006, 68) and by a broader “plebeian” public (Fraser 1990; Fraser 2007, 59-112). Through the everyday use of specific places, these groups produce different meanings for public space than the dominant ones they disrupt (see, e.g., Amster 2008; Cresswell 1996; Low 2000; Mitchell 2003; Wright 1997).

### 3. The Transgression and Social Control of Public Space

We might draw the preliminary conclusion that “an understanding of public space is an imperative for understanding the public sphere” (Low and Smith 2006, 6), which will be illustrated in what follows by two empirical examples. With these examples we hope to show the ways in which dominant representations of public space are created and the production of public space serves as a tool of social control and repression of diversity. In other words, we will attempt to demonstrate how a public space in which differences are in conflict becomes one which excludes differences in the name of social order. This is precisely the opposite utopian vision of “new anarchism” which Sennett calls for in the second section of his seminal *The Uses of Disorders* (1970). According to his view, tolerance of differences may be reached only by removing formal social control and by charging public space with tension, uncertainty and the direct confrontation of differences from which routine nonviolent social conflicts spring.

#### 3.1. *The Annihilation of Public Space: A Case Study of Rotava*

The Roma in the Czech Republic are a population that has been long marginalized. One of the domains of exclusion is spatial segregation when Roma are involuntarily concentrated in specific areas. Their exclusion does not only manifest itself in housing, but also in public space. This occurs not only by direct discrimination in entering special public places (swimming pools, hospitals, etc.), but also indirectly in public places *sensu stricto* (streets, squares) through local government policies regulating activities or changing their nature. This regulation is executed through heightened formal social control showing overt signs of ethnic, racial and social profiling.

The first municipality that instated unprecedented regulations in public space, followed by a number of other cases, is Rotava. Rotava is a small city, but it possesses a decidedly urban development and structure. The major part of the city is made up of one street lined with multistory panel buildings with rented apartments (see figure 10.1), in which two-thirds of inhabitants live. According to estimates (official figures are not available), the city’s population is roughly 20% Roma,<sup>2</sup> which is a much higher proportion than in the rest of the Czech Republic. Similar to other cities, both the majority population and the Roma themselves distinguish between minority “old residents” and majority “new residents.” As the designation

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<sup>2</sup> Informant Š. G., personal communication, October 2011.

of the latter group suggests, these are Roma who moved to Rotava in recent years. This migration took place after real estate speculators began to buy up apartments in Rotava—which are some of the cheapest in the Czech Republic due to an unfavorable geographic location and high unemployment—and began to move in Roma from surrounding cities.

In 2010, the local council, with the agreement of the Ministry of the Interior, banned sitting on street furniture (except benches) and other structures in the public space (low walls, palisades, waste bins, etc.) which are city property. It also banned placing tables, chairs, blankets, grills, and other objects in public space as it is “an activity which *could disrupt the public order* of the community or be in *contradiction with good practice*, protection of security, health and property” (Městský úřad Rotava [Municipal Office, Rotava] 2010, italics added). In April 2011, this ordinance was replaced with an even stricter decree (Městský úřad Rotava [Municipal Office, Rotava] 2011) and the ban on sitting was extended to leaning, standing or laying (see figure 10.2 and figure 10.3).<sup>3</sup> Rotava is a city in which it is illegal to sit, in public space, anywhere other than a city bench or to lean on a post or lie on a blanket on the grass. At the same time, all but three city benches had been removed from public space before this ordinance became effective (see figure 10.4 and figure 10.5).

The argument for establishing strict regulations of public space is that such behavior may lead to the disruption of public order or violates good practice. However, the argument is circular since public order and good practice are defined by the very ordinance or other ordinances that invoke them. If sitting on steps leads to the disruption of public space by debasing the surrounding environment or offending others, such behavior becomes punishable under the existing ordinances and laws. Completely common and normal behavior is criminalized not because it causes some social harm (how could it?), but because it is an effective tool of control and purification of public space.

Public space in Rotava is diminished through such ordinances, in the words of Sennett (1976, 14), to a mere “derivation of movement.” Its social function is denied. For social interaction in public space to exist and be valued, it requires those activities which have been banned in Rotava. A viable material environment, i.e., city benches, is needed which would allow these activities.<sup>4</sup> A consequence is the exclusion of social life to the

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<sup>3</sup> This ordinance does not apply to all of Rotava, but to its central area, where 80% of its inhabitants live, including the whole Roma population.

<sup>4</sup> Note that Rotava has no square which could function as the center of social life.

private sphere or to certain public places (children’s playgrounds, sport fields, culture houses, libraries) in which entry is regulated by operating codes.<sup>5</sup> Limiting the permitted activities in public space to mere movement leads to minimizing the time people want to spend in it.

Although this regulation has an impact on all citizens, it is primarily aimed at Roma who in the eyes of the majority occupy public space with social activities that are transgressive:

We placed a number of complaints about them [Roma]. If people wanted to sleep after a night shift, they couldn’t due to the noise below their windows. They left trash lying around, and when an older person wanted to get into his home, the vagrants didn’t want to let him by and even swore at him. People were afraid of them and it looked awful here.<sup>6</sup>

Transgression is not a matter of the actual behavior, as the mayor of Rotava attempted to argue in the quotation above. If it were, an ordinance criminalizing completely common behavior in other places would not need to be brought into effect. The problem lies in the ethnicity of those who engage in such behavior (Becker 1963):

Gypsies react to light. When the sun comes out, they come outside and they spend all day on the street. They sit around, talk with one another and they annoy other people with this...<sup>7</sup>

Those gypsies aren’t actually doing anything. They’re grouped on the street, not doing anything wrong..., they’re not committing any crimes or offences. They’re just outside in front of their building and we [the police] have a problem with getting them off the streets.<sup>8</sup>

I haven’t had any problems with the people outside, they weren’t drunk. They just pulled a table out in front of the house, had a normal time and went home.<sup>9</sup>

Policies concerning public space in Rotava can therefore be understood as a reaction to the loss of geographical hegemony and the loss of control over public space which is being reshaped by the growing Roma population. According to the majority, this population uses public space to such an extensive and intensive degree that it disrupts the separation of public and private space and exceeds the level of social exposure to otherness

<sup>5</sup> E.g., entering a gated children’s playground is monitored by an administrator and a CCTV.

<sup>6</sup> Jan Sliva, former mayor of Rotava, quoted in Třešňák 2011.

<sup>7</sup> Informant L. S., personal communication, April 2011.

<sup>8</sup> Informant P. K., personal communication, September 2011.

<sup>9</sup> Anonymous respondent quoted in Třešňák 2011.

which the majority is willing to tolerate as group boundaries become vulnerable. The majority is not willing to give up the control of specific spaces in Rotava because they are located in central areas of the city with civic amenities. The structure of the space makes its ghettoization—as can be witnessed in other Czech cities—impossible. Similarly, other common “solutions” of local governments cannot be effected, e.g., the eviction of the Roma to other cities (which is what brought the Roma to Rotava in the first place, having been voluntarily or involuntarily moved from other cities in the region) because they do not live in municipal flats but in private ones.

In summary, the ordinance in Rotava is a powerful tool for purifying public space, albeit at the cost of annihilating its publicness—a price which Rotava officials and its population are willing to pay. The essence of the “purification mechanism is a fear of losing control” (Sennett 1970, 98) and a need to strengthen group boundaries (Sibley 1981). It is best described by Rotava’s (former) mayor Jan Slíva, who said this while contentedly gazing at a half-empty street (see figure 10.6):

Finally it is all clean here. If someone drove through our town just two years ago, he would have thought it was only nonadaptables that lived here.<sup>10</sup>

### 3.2. *Out of Place: A Case Study of the Homeless in Pilsen*<sup>11</sup>

Our second example, the homeless in the city of Pilsen,<sup>12</sup> shows that public space is not a neutral place, but a place of the struggle of differences yielding to a dominant social order and its control. It is a place of conflict and alleged transgression committed by marginalized groups who use public space in violation of its dominant representations. Although the homeless population, according to censuses from 2009 and 2010, consists of around 210 persons (Toušek and Strohsová 2010), it is receives much attention from the local media, municipal and state police and the larger public.

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<sup>10</sup> Jan Slíva, former mayor of Rotava, quoted in Třešňák 2011. The term “nonadaptable” or “maladjusted” is a commonly used dysphemism for “Roma” in the media, in political discourse, and in common language.

<sup>11</sup> In this section we draw on field research of the homeless in Pilsen carried out by L. Toušek, from March 2009 to the present.

<sup>12</sup> Pilsen (Czech: Plzeň) is a city located in the western region of the Czech Republic with just over 170,000 citizens.



This attention culminated in the second half of 2010, when the municipal police decided to raise by 100% the personnel capacity of officers in the central areas of the city supposedly in order to improve the security of the city’s inhabitants. However, according to police statistics, the number of criminal offences committed in the central areas of Pilsen has been steadily decreasing, and the first half of the year 2010 showed a decline in crime in the city center by 15%. According to media and informal communication by municipal police, this increase in police personnel amounts to the formation of a “special unit of officers” whose aim is to “drive out the homeless from the center” of the city (Pelanová 2010). This has been officially disclaimed, however, by the head of the Pilsen Municipal Police. He claims that this is not a special unit on homeless, but a “District Municipal Police Patrolling Unit,” whose initiation is:

[R]eacting to the growing number of complaints from the city’s inhabitants. These inhabitants have been pointing out problems with the homeless, beggars, debasing of public areas and the number of persons using drugs in the streets of the city center.<sup>13</sup>

Six months after the start of activities of this “special unit” and following criticism from the media and the public that homeless persons are still located in the city, the head of the police added:

[T]he service is still not working at 100%. Many officers are still undergoing training. As soon as possible ... police officers will be present in problem areas every twenty minutes, and we hope this will cause groups of beggars not to come back.<sup>14</sup>

The degree of attention given to the homeless (in police terminology, “defective persons”) by the municipal police is evident in the fact that, aside from their common daily patrolling activities, police organize regular biweekly “special crackdowns” aimed at controlling homeless, beggars, and other asocial individuals who harass citizens in the central area of the city of Pilsen.<sup>15</sup> These activities involve twenty police officers with the occasional assistance of the media or even the chief of the Pilsen State Police Department (see figures 10.7 to 10.9).

<sup>13</sup> Robert Houdek, councilman for security in charge of Pilsen Municipal Police, quoted at official municipal web page: [http://www.bezpecnemesto.eu/pd\\_19/nove-opatreni-zajistujici-poradek-a-bezpecnost.aspx](http://www.bezpecnemesto.eu/pd_19/nove-opatreni-zajistujici-poradek-a-bezpecnost.aspx).

<sup>14</sup> Robert Houdek, councilman for security in charge of Pilsen Municipal Police, quoted in Pelanová 2011.

<sup>15</sup> Tomáš Petřík, deputy of the District Police Office, available at <http://umo3.plzen.eu/aktuality/i-v-zari-se-straznici-zamerili-na-kontrolu-verejneho-poradku.aspx>.

The creation of this “special unit” is clearly a strategy to expel the homeless from public space through a heightened level of patrolling in selected areas where officers check “asocial individuals” every 20 minutes, making their stay so unpleasant that they will decide to leave. Although this population of homeless is labeled as “deviant,” their presence in public space itself does not constitute illegal behavior. In fact, the only possible legal sanction against them is administering a fine for misdemeanors (begging, creating a public nuisance, etc.). This poses no problem for the police and is often carried out when needed often with fabricated justifications. However, this sanction does not achieve its goals since financial punishment has no impact on the unemployed and homeless persons due to their economic status. As a result, the police employ strategies and behavior in the gray area of their authority, or outside of it by harassing, bullying, threatening, and expelling unwanted individuals from public areas without legal grounds.

The arguments for expelling the homeless from the city center or other public places are that the homeless pester others with their dirtiness, odor and begging. They are also said to pollute their surroundings by sleeping and urinating there, becoming intoxicated and having dogs. They generally evoke anxiety and fear whenever they pass through or spend time in public areas of the city:

It’s awful, they get drunk here and even urinate in public, even when children are walking past. They lie around on the benches as if they owned them. People are afraid to walk past.<sup>16</sup>

Walking past [this spot] is terrible. Every day, dirty people reach out at me and want money. I don’t walk around here if it’s possible.<sup>17</sup>

For a few years, a group of young, foul-smelling, drunken people have been bothering passersby [by the shopping center near the train station]. Although I go to work this way every day, ... I daily experience fear from these individuals who own large dogs without muzzles. I’m afraid to walk by this street of horror.<sup>18</sup>

The transgressions committed by the homeless are not so much about their kinds of behavior (as with the Roma in Rotava) but the social and spatial context which “is produced by practice that adheres to (ideological) beliefs about what is the appropriate thing to do” (Cresswell 1996, 16). By this we do not mean to imply that the attributed characteristics of an indi-

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<sup>16</sup> Anonymous respondent, personal communication, April 2010.

<sup>17</sup> Respondent D. K., quoted in Pelanová 2010.

<sup>18</sup> An open letter from the city’s inhabitants addressed to the municipal authorities, quoted in Pelanová 2010.

vidual play no role at all, but rather that they come into play at the moment a transgression of norms is committed and when decisions are made as to whether and to what degree certain behavior will be considered by the public as deviant or not. A constitutive element of transgression is here the fact of whether we are dealing with behavior that belongs in a different place. Urination is not a violation of norms if it occurs in its proper place, but it is out of place to urinate in a park. It is proper for a person to sleep at home in his/her bed, but it is out of place to sleep on a bench at a bus stop. Mary Douglas, in her influential book *Purity and Danger*, in which she deals with the concept of dirt and pollution, adds to this topic:

Shoes are not dirty in themselves, but it is dirty to place them on the dining-table; food is not dirty in itself, but it is dirty to leave cooking utensils in the bedroom, or food be-spattered on clothing; similarly, bathroom equipment in the drawing room; clothing lying on chairs; out-door things in-doors; upstairs things downstairs; under-clothing appearing where over-clothing should be, and so on. (Douglas 2001, 36–37)

With Douglas in mind, we put forth that the homeless are a “matter out of place” as they carry out activities in a public place which do not belong in the public sphere, but are thought to belong to the private sphere or to specific public places. Put differently, the homeless, just like dirt, pollute the symbolic order of society because their behavior or simply their own existence is located in the wrong place and must be removed. We would also say that homelessness need not constitute deviation since they cannot meet basic human needs commonly carried out in private space. As in the case of Rotava, the purification of space is also a tool for renewing social order endangered by the transgression of the dominant meaning of public space which appears natural though it not inevitable (Cresswell 1996). Purification is not accomplished by the annihilation of public space, as the urban character and size of the city of Pilsen do not allow for it; instead it is reached by a heightened degree of police control and bullying.

#### **4. Conclusion: Spatializing Tolerance**

Based on previous accounts of the conception of the universal and unified public sphere and the critical analysis of complementary theories on the production of public space, we have confirmed our initial hypothesis that in liberal societies, the public sphere and public space are far from neutral and inclusive. By means of applying universal rational rules of conduct

and particularly by the construction of the public/private boundary, both theorists and urban planners and official representatives have been able to coercively expel marginalized groups to the private realm which means, in the case of the homeless, the denial of their own existence (see Mitchell 2003). In this way, the private realm expands at the expense of an impoverished public sphere and public space. The public space has shrunk to a small niche reserved for and administered by certain individuals and groups. Consequently, it can no longer be considered a venue of true inclusiveness, social integration, and critical discourse that grounds a legitimate political sphere.

From this point of view, Habermas, Arendt, Sennett and others seem to have been right about the demise of the public sphere, its cooptation by the state and the rise of the sphere of administration and social control. We surely should be aware of the threat such development means for any liberal democracy.

It is clear that we encounter numerous cases of discrimination and intolerance that defy our self-image as inclusive liberal democratic societies. But where is the place for tolerance? And where should its limits be? These are clearly difficult questions. On a more general level, toleration is clearly a virtue of public space and the public sphere. Why is this? A common definition of toleration claims that “[i]nstances of toleration occur under specific conditions:  $x$  can be said to be tolerating  $y$ ’s performance of  $z$  when  $x$  disapproves of  $y$  doing  $z$ , when  $y$  has freely chosen that she wants to do  $z$ , and when  $x$  has the capacity to prevent  $y$  from performing  $z$ , and yet chooses not to” (Shorten 2005, 281). Thus, difference or disapproval are the core circumstances of the cases for tolerance (Nicolson, cited in McKinnon 2006). As we have defined the private sphere as the area of similarity and closeness, tolerance must be home to the public space and sphere characterized by pluralism and difference.

Still, what happens when public space becomes intolerant, as is clearly the case in our two case studies? Intolerance means the actors who have the power to prevent others from performing certain actions in that space choose to do so. This would not suffice, of course. Intolerance is definitely a matter of scale. Tolerance will always have limits. However, should the limits of what we tolerate be set in such a way that in the public space it becomes impossible for individuals who are not members of the majority to pursue their goals, then we must call such a society intolerant and discriminatory. In this case, society will only allow for certain values, actions, and behavior that are aligned with the wishes of the majority, creating a homogeneous public sphere and systematically disqualifying

modes of action typically linked to individuals with minority identities. In this way, the decision whether to tolerate certain actions will be closely linked to our attitudes toward those actors who carry them out. However, this amounts to blatant discrimination against certain individuals and groups and is incompatible with liberal democratic principles. In the case of the Roma in Rotava and the homeless in Pilsen, these are not justified cases of intolerance but instances of unjustifiable discrimination.

In contemporary societies, we see an alarming tendency toward such discrimination and marginalization of others especially when we consider the hidden and intricate mechanism of exclusion at work. Discrimination, intolerance, and marginalization are not merely the result of deliberate, explicit policies. They enter our societies through the back door in the very construction of public space. Benign at first sight, they violate principles of democratic pluralism upon closer inspection.

We think that this is not only a problem of isolated, individual cases of intolerance that are easily reversible. The problem lies in the troublesome nature of the principle of toleration itself. A core feature of toleration is that it is based upon a relation of power and dominance between the tolerators and the tolerated (see Galeotti 2002, 59–60; Nicholson, cited in McKinnon 2006; Shorten 2005). It is the majority who decides where the limits of toleration will be set, and under the pretext of universal reason and principles, can adopt rules for the public sphere that eventually homogenize public space and effectively expel others to their private niches, leaving behind a tiny encapsulated and disinhabited torso of public space, inhospitable both for minorities and sometimes the majority as well.

By expelling difference to the private sphere, we do not achieve a higher legitimacy for the system itself. Nor do we get rid of the tensions within society. Quite the contrary, the tensions and differences which cannot be articulated publicly fester below under the surface, eventually finding other potentially much more violent and radical outlets that are even harder to regulate successfully.

A sustainable project of democratic inclusiveness and plurality management must go beyond toleration (see Galeotti 2002; Castiglione and McKinnon 2001; Mendus 1999). Whether the path to a satisfactory solution leads in the direction which Galeotti (2002) labels "toleration as recognition," or via "strong positive toleration" as in the theory of deliberative democracy or whether we must turn to respect as our guiding principle remains for further discussion.<sup>19</sup> At the moment, we are able to reach

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<sup>19</sup> For further analysis, see Strnadová 2011.

several definite, though perhaps quite general conclusions learned from our case studies. First, cases of intolerance are closely related to the phenomenon of the shrinking boundaries of the public sphere and public spaces in urban environments as well as the privatization of actions and values. Secondly, there is a clear positive correlation between the “purification of public space” rhetoric and mechanisms of the exclusion of the Other. Moreover, the notion of toleration allows all kinds of abusive behavior and dominance on the part of the majority. It enables members of the majority to construct the public space as homogeneous with a single, universal set of rules which despite their individualist design asymmetrically affect members of different social groups. Hence, it is indispensable to deconstruct or rather reassess the boundary between public and private and allow public space to accommodate difference. In the words of Anne Phillips (2007, 23) we must come to reconstruct the boundary between “us” and “them” as penetrable. In this way, we can overcome the haunting paradox of toleration which demands us to accept what we regard as wrong, strange, and even opposed to “us.” Last but not least, we need to “spatialize” tolerance. This means locating and examining the issue of tolerance in space and place, because it is in public space where social differences are created and come into mutual conflict. A given public space determines—not only in its social but also in its physical context—who it is that we are, what it is that we are willing to tolerate and who (or what, ultimately) is out of place.

**Appendix: Figures**

Figure 10.1. View of the main street in Rotava lined with panel apartment buildings.  
Photo by Laco Toušek.



Figure 10.2. A young girl in Rotava leaning on a palisade and violating the ordinance.  
Photo by Milan Jaroš.



Figure 10.3. A man violating the ordinance while drinking a coffee on stairs in front of his flat in Rotava. Photo by Milan Jaroš.



Figure 10.4. A bus stop in Rotava from where benches have been removed in order to preserve public order. Photo by Milan Jaroš.





Figure 10.5. One of the few benches in Rotava where sitting is allowed.  
Photo by Milan Jaroš.



Figure 10.6. “Finally it is all clean here,” says Jan Slíva, former mayor of Rotava.  
Photo by Milan Jaroš.



Figure 10.7. A police officer fining two homeless people for not using muzzles on their dogs. Photo By Jana Nathanská.



Figure 10.8. A police officer taking an arrested man to the police station during the “special crackdown against the homeless.” Photo by Jana Nathanská.



Figure 10.9. Pavel Krákora, head of Pilsen’s Central Municipal Police Office, checking the identities of homeless people during the “special crackdown against the homeless.”  
Photo by Jana Nathanská.

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# **Residential Neighborhoods in an Ethnically Mixed Area: Factors that Shape Coexistence**

*Itzhak Omer*

## **1. Introduction**

The residential segregation of minority groups in a city has been the subject of a significant body of research. Studies have shown that such segregation results from internal group cohesiveness and own-group preferences as well as majority-group attitudes of tolerance and institutional discrimination (Clark 2002; Johnston et al. 2007). Minority enclaves are also considered preferred residential locations at least partially due to the distribution of public services, such as educational institutions and places of worship, associated with cultural or ethnic identities. Community infrastructure of this kind contributes to the geographical clustering of the respective minorities, what may also be considered their relative isolation from the majority group (Boal 2002). In addition to mutual choice, residential segregation also implies some level of institutional constraints, which are closely related to the nature of majority–minority power relations (e.g., Sibley 1995).

At the same time, ethnically mixed neighborhoods are also common, particularly when social distance is less significant for all parties in majority as well as minority areas. When majority–minority ethnic differentiation is substantial, mixed neighborhoods are associated primarily with transitional areas, characterized by the spatial expansion of minority residents due to natural population increase and incoming migrants, or the influx of majority residents in search of the locational advantages found in the minority area.

The very fact of living in mixed ethnic areas can potentially affect intergroup exposure, contact, tolerance and feelings among minority and majority members. Ample evidence supports significant attitudinal varia-

tion among residents in ethnically mixed as opposed to ethnically homogeneous neighborhoods (e.g., Wessel 2009).

However, although ethnic preferences, social distance and institutional constraints are responsible for majority–minority spatial segregation in residence and daily activity, they do not by themselves determine its form and degree. Previous research has shown that spatial ethnic segregation is affected by (i) conditions of the urban environment, i.e., the spatial arrangement of land uses such as house types, public service spaces as well as accessibility (e.g., Berry and Kasarda 1977; Johnston et al. 2007; Peach 2000) and (ii) by structural aspects of ethnic residential dynamics (e.g., Fossett and Dietrich 2009; Schelling 1971). It has been found, for example, that the level of ethnic segregation is likely to be higher than that preferred or desired by the residents themselves.

In light of this empirical body of knowledge we assume that majority–minority residential and daily activity patterns are formed through self-organization as an integral part of a social structuration process in any given ethnically mixed area. As such, these patterns incorporate institutionalized behavioral patterns regarding individuals' residential preferences and use of public space on the one hand and objective structural dimensions of minority residential dynamics on the other.

Based on these assumptions, we suggest examining the ensuing residential patterns with respect to the subjective and objective dimensions of the respective neighborhoods within the same geographical context. We thus define *objective residential neighborhoods* according to the ethnic composition in a given territory, e.g., ethnically mixed or homogeneous neighborhoods, and *perceived residential neighborhoods* as subjectively defined neighborhood territories. Although “perceived space” and “objective space” can be seen as two sides of the same coin, they are neither necessarily identical nor overlapping (e.g., Harvey 1989; Lefebvre 1991). While the first space is personal and related to an individual's spatial behavior, the second represents the unintended consequences of aggregate action within the urban system. Consideration of the perceptual characteristics of residential space can potentially clarify how people who live in an ethnically mixed area behave, feel and perceive their residential environment in different circumstances. Such a step may likewise enable identification of how these perceptual characteristics are involved in the constitution of neighborhoods and ethnic residential segregation.

In this chapter I present the results of research conducted in Jaffa, a mixed Jewish–Arab area of Tel Aviv, Israel. The investigation was based on detailed objective data regarding the infrastructure and ethnic composi-



tion of the area's residential neighborhoods together with subjective data collected on the residents' perceived neighborhood and experiential space.

In the next part, the conceptual framework is presented. The methodology is described in the third part. The research findings and conclusions appear in the final fourth and fifth parts.

## 2. Conceptual Framework

The formation of urban areas and residential neighborhoods is potentially affected by three characteristics of the urban environment—*differentiation*, *complexity* and *visibility*—which have been found relevant for human experience and spatial behavior (Cubukcu and Nasar 2005; Montello 2007). Differentiation (or distinctiveness) is the degree to which urban objects or different parts of the urban environment exhibit a unique arrangement or design (size, color, shape, etc.). Complexity refers to the details of the composition, relations and organization maintained by these urban objects. Visibility, or visual access, is the degree to which these urban objects are connected visually.

These characteristics are discussed below with respect to two distinct components of the urban built environment: its perceptual attributes (i.e., urban objects that people perceived directly) as opposed to attributes of an urban location's visual and physical access.

### *Perceptual Attributes of the Urban Environment*

Perceptual attributes refer here to the attributes—physical, functional and cultural—of the urban environment that people are aware of and perceive, what Golledge and Stimson (1997, 188–89) call the “perceptual environment.”<sup>1</sup> Some urban elements are more visually dominant or *imageable*<sup>2</sup> than others due to their *physical* or substantive characteristics: size, color, height and architectural style and so forth (Golledge and Stimson 1997; Lynch 1960). The *visual distinctiveness* of those elements in turn create

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<sup>1</sup> Among the objects comprising the general geographic environment, we find a subset known as the *operational environment* (Golledge and Stimson 1997). This subset consists of that portion of the world impinging on any given human and influencing behavior either directly or indirectly. That segment of the operational environment of which a person is aware is called the *perceptual environment* (188–89).

<sup>2</sup> Lynch (1960, 9) defined imageability as a “quality in a physical object which gives it a high probability of evoking a strong image in any given observer.”

distinctions or identifiable boundaries between locations or districts, based on their uniqueness (e.g., Cubukcu and Nasar 2005). Visual distinctiveness contributes to the formation and preservation of *residential neighborhoods* and *places* in the urban environment (e.g., Brower 1996; Campbell et al. 2009; Lee 1968; Relph 1976).

The effect of the urban built environment's physical characteristics on the formation of subjective neighborhoods has been considered mainly in relation to street networks (e.g., Ceccato and Snickars 2000; Coulton et al. 2001; Lee 1968). The function of street networks in the cognitive representation of urban space is described by Kevin Lynch (1960, 96) as follows: "The paths, the network of habitual or potential lines of movement through the urban complex, are the most potent means by which the whole can be ordered." Research has since confirmed the salience of street networks for neighborhood perception. For example, several studies have reported that neighborhoods are more poorly defined and have fewer specific boundaries when street patterns are more complex (e.g., Coulton et al. 2001). Consideration of a street network's potential affect on the formation of experiential space is found in concepts such as *experiential network*, a pattern formed in cases where the street network lacks continuous boundaries (Stanton 1986), or in *street neighborhood networks*, that is, urban neighborhoods formed out of short blocks (Jacobs 1961).

However, in addition to their physical attributes, the *functional*, *social* and *symbolic* attributes of urban objects may also affect the perceptual formation of neighborhoods, especially in ethnically mixed areas where these attributes exhibit different meanings for different ethnic groups. And so, while some buildings and public spaces are perceived as available to all members of society, others, such as educational institutions and places of worship, can exhibit differential symbolic but also functional meanings for each ethnic group (e.g., Jabareen 2009).

Thus, the different meanings associated with the urban environment through its various *functional*, *social* and *symbolic* dimensions play important roles in the construction of a space's cultural identity. These include provision of the cues affecting the formation of ethnically homogeneous or mixed neighborhoods, together with the subsequent patterns of daily activity and intergroup encounters.

In his well-known socio-spatial schemata, Lee (1968) integrates these attributes of urban objects with the socio-demographic attributes of people and their social relationships. Later studies also refer to the affect of socio-demographic attributes on the morphological features of perceived neighborhoods territories such as size, form and patterns (Aitken and

Prosser 1990; Begiun and Romera 1994; Chaskin 1997; Minnery et al. 2009; Stanton 1986) as well as the overlap between residents' perceived neighborhoods and their social interactions within a given area (e.g., Coulton et al. 2001; Schnell et al. 2005; Skjaeveland and Garling 1997). We should note, however, that these studies were conducted mainly in ethnically homogeneous neighborhoods.

*The Urban Environment's Spatial Configuration: Physical and Visual Access*

The *spatial configuration* of the urban environment (also referred to as its *spatial form* or *spatial structure*) is defined here as the set of spatial relations holding between its objects (i.e., buildings and open spaces). Soja (1985) refers to these kinds of spatial relations as "the spatiality of social life"—a socially produced space that differs from its objects' perceptual attributes. Unlike the physical, functional and sometimes symbolic attributes of urban objects that the eye can see "all at once," broad spatial configurations are not readily perceived as a unit because they consist of local (direct) and nonlocal (indirect) spatial relations (Gregory 1989; Hillier 1996).

Yet, despite this constraint, spatial configurations contribute to the formation of the city's social dimension by influencing *physical* and *visual access* between places, factors that may be important for individuals' spatial behavior as expressed in movement and residential mobility (e.g., Batty 2009; Giddens 1984; Harvey 1989; Hillier and Hanson 1984). This means that the visual and physical accessibility of places, objects, streets and so forth shape the nature of *social integration* or *presence-availability*, that is, the spatial conditions for copresence, for how people are able to meet and relate to one another. On a higher level, spatial configurations also help create the conditions for *system integration*, i.e., the interactions maintained between people even when they are physically separated (Giddens 1984, 27–28). Accessibility thus contributes to the formation of daily space-time routines, places and locales (Gregory 1989; Lefebvre 1991).

Empirical studies have likewise found that visual and physical accessibility characters of places are correlated with the social differentiation distinguishing urban areas and neighborhoods. That is, urban areas having distinctive levels of visual access or spatial separation in comparison with their adjacent areas also tend to be distinctive in terms of their social and ethnic characteristics (Hillier 1996; Vaughan 2007; Yang and Hillier

2007). For example, Legeby (2010) reveals that the spatial separation and physical segmentation of areas in Södertälje, Sweden, were correlated with each area's social distinctiveness. Similar findings were recently obtained in an investigation of socio-economic differentiation between residential neighborhoods in Tel Aviv, Israel (Omer and Goldblatt 2012). This implies that the spatial separation of urban areas can contribute to an increase in social differentiation. It should be mentioned that the cited studies were based mainly on the theory and methodology of the space syntax approach (Hillier 1996; Hillier and Hanson 1984), which bases its description and identification of visual access by means on the topological analysis of an *axial map*, i.e., the smallest set of visible straight lines (axial lines) covering an urban space. Such an analysis allows us to represent the urban built environment in a way that reflects how it is perceived by people on the ground (e.g., Vaughan 2007). When applying this approach, the visual access between spaces is represented by topological distances (fewest turns).

The formation of residential neighborhoods of different ethnic composition has also been considered in relation to accessibility (Anderson 1992; Grannis 2005). For example, in empirical studies conducted in several American cities, Grannis (2005) found ethnic variation between neighborhoods having internal access via pedestrian streets, a trend delimited by the presence of nonpedestrian streets.<sup>3</sup> There is also some evidence that spatial accessibility affects the formation of perceived residential space. In a study conducted in a suburb north of London, for example, it was found that the visual access of places affected the size of the perceived residential neighborhoods (Penn 2003).

### *How Is Neighborhood Formation Related to Ethnic Residential Segregation?*

As mentioned above, mixed urban areas are associated primarily with transitions characterized by the spatial expansion of minority residents into the majority group's residential area. The pattern of a minority's urban residential expansion can be explained primarily by two processes: *invasion-succession* (Berry and Kasarda 1977) and *spatial diffusion* (Morrill 1970; Reardon et al. 2009). Invasion-succession proceeds as follows: As the minority population increases, it expands into contiguous neighborhoods, occupied by the majority (see figure 11.1.a). In the first

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<sup>3</sup> Grannis called this kind of neighborhood "t-communities" in order to indicate their internal connectivity through pedestrian-oriented tertiary streets.

stage of the process, several “pioneering” families from the minority group slowly enter the adjacent neighborhood, where they may be met by strong resistance. If they remain in the neighborhood, a new stage begins in which the area becomes attractive to other minority members. Simultaneously, the majority’s members come to perceive the neighborhood as less and less attractive. At this stage, ethnic composition changes at a relatively high rate; by its end, most of the neighborhood’s population belongs to the minority, with the area consequently identified with this group. Invasion-succession thus results in a spatial diffusion process taking the form of an S-shaped curve (Morrill 1970; O’Neill 1981), illustrated in figure 11.1.a.

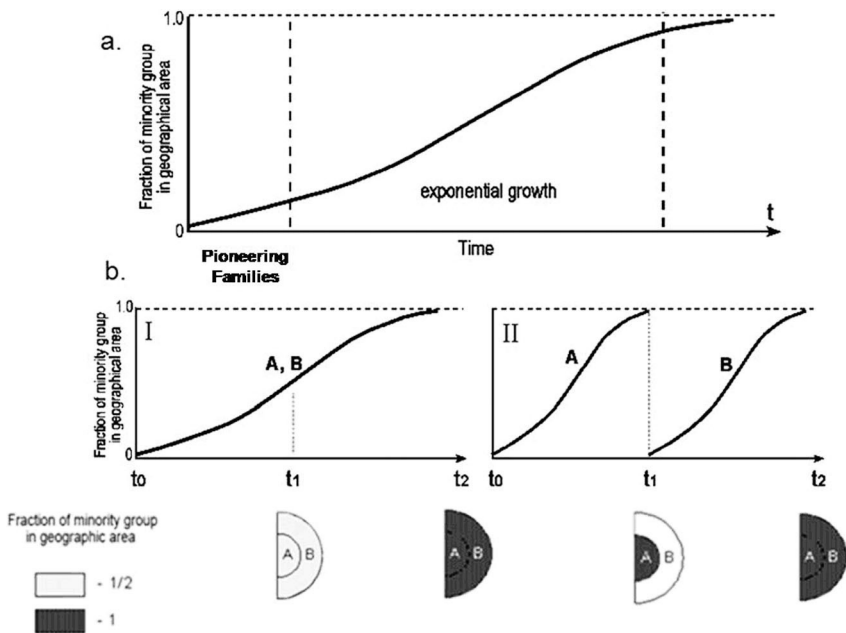


Figure 11.1. Residential diffusion of minority group: (a) Change in majority-minority composition as a result *invasion-succession*; (b) Relationship between the size of the geographic space in which the residential composition changes and the rate of change in that area.

This form of generic diffusion captures diverse levels of ethnic residential segregation, reflected in two interrelated components: the size of the urban space in which minority residential patterns changes and the rate

of that change. Figure 11.1.b illustrates these components and their correspondence with residential segregation. In form I, change in ethnic composition occurs simultaneously in both areas while in form II, change takes place in only one geographic area at a given point of time. Differences between the forms of minority diffusion likewise reflect differences in effective residential segregation. That is, if the minority population settles over a relatively larger urban space, as in form I, the rate of change is slower and exposure of the minority to the majority population will consequently take a relatively longer time (indicating a low level of segregation), and vice versa.

Hence, a correspondence exists between the components of minority residential dynamics and two dimensions of residential segregation: *evenness*—the extent to which members of a minority group are uniformly distributed in residential space relative to the majority population—and *exposure*—the extent to which members of the minority group are exposed to the majority population in a given area (Massey and Denton 1988).

In general, the actual form of spatial diffusion and the level of ethnic residential segregation are related to intergroup tolerance. When people are relatively tolerant, the mixed residential area is larger and intergroup exposure is longer. However, as previously implied, actual residential segregation is not simply a result of individual residential preferences and is likely to be higher than the level preferred or desired by people (e.g., Schelling 1971).<sup>4</sup> Studies have found that residential segregation is strongly affected by demographic processes, residential availabilities (Torrens 2007) as well as the size of the neighborhood considered during residential search (Fossett and Dietrich 2009).

Within the framework of our research, we hypothesized that the conditions characterizing the urban environment—the perceptual attributes of urban objects and the visual access between places, together with demographic processes—would affect actual residential segregation through their involvement in determining the size and shape of neighborhoods as well as their ethnic composition. The aim of the research reported here was, therefore, to examine how urban environmental conditions and demographic change affect the formation of residential neighborhoods in our chosen area, Jaffa.

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<sup>4</sup> The gap between individual intention at the micro level and observed aggregative residential segregation at the macro level is related to the simultaneous actions of individuals and their space-time *distantiation* in addition to the system's *suboptimality* (Batty 2005; Omer 2005).

### 3. Methodology

#### *Data*

Data on Jewish–Arab residential distribution in Jaffa were culled from the 1961, 1972, 1983, 1995 and 2008 population and housing censuses conducted by the Israel Central Bureau of Statistics (ICBS 2008), which reaches the level of statistical areas. Data on the distribution of land uses at the building level (polygons) were obtained by a field survey conducted in 2010 that was based on a GIS layer of buildings in Jaffa for the year 2008. Each nonresidential building or public space was classified according to several types: educational institution (schools and kindergartens), places of worship (churches, mosques, or synagogues), cemeteries and other community institutions (categorized as Jewish or Arab), shopping sites, sport and cultural institutions, parks, and public services and institutions. The buildings were also classified according to two architectural styles: “Arab” or “oriental”—mostly one- to two-story buildings that were populated by the Arab population before 1948—and modern public housing blocks—relatively new buildings of three or more floors, constructed after 1948.

Subjective data regarding daily activities and delineation of perceived neighborhood boundaries came from fifty semistructured interviews conducted in several Jaffa locations, chosen to represent the area’s ethnic composition. Each interview, lasting about an hour, entailed viewing a map and responding to questions. The participants received an orthophoto (aerial photograph) of the area at a scale of 1:1000 on a sheet A4 in size, with the street network and their street in its heading and the respective interviewee’s house clearly delineated. As to the orthophoto, the interviewees were asked to complete three tasks, phrased as follows: (i) “Please indicate on the map the area that you feel is your neighborhood”; (ii) “Please indicate the places (streets, markets, parks, etc.) that you visit at least once a week”; (iii) “Are there places where you feel more comfortable or safer than in other places, or places that you feel uncomfortable or unsafe? Please indicate these places on the map.”

The data collected from the interviews were integrated with the population census data, infrastructure data (street network and building) and land-use data obtained from GIS layers and a field survey.

*Measuring Accessibility and Residential Segregation*

A space syntax methodology using an axial map was applied to measure visual and physical accessibility. An axial map is defined as the smallest set of the longest lines of direct visibility and movement that pass through all a city's open spaces.

Measurement of accessibility on the basis of individual axial lines was performed by means of *Connectivity*, *Local Integration* and *Choice* (Hillier and Hanson 1984; Hillier 1996), measures that we considered relevant for the current investigation. To elaborate, Connectivity denotes the number of axial lines directly linked to any selected axial line. Local Integration indicates the closeness of an axial line to other axial lines, computed as the shortest distance (or *step depth*) of the respective line from other axial lines up to a defined radius of topological distance; with the latter equaling 3 in the current research. The measure Choice (which is equivalent to the graph-based centrality measure Betweenness) indicates the number of times a location is encountered on a path going from origin to destination for all pairs of axial lines. In addition, we hypothesized that ethnic residential segregation would also be affected by the relative spatial integration of a given neighborhood to the Arab community's core area. Hence, step depth (i.e., the topological distance) was measured between the core and all the neighborhoods. The entire dataset was collected, aggregated and computed at the neighborhood level, according to the geographical division presented in figure 11.2.

To create the axial maps as well as implement the space syntax measures, we used the Depthmap software program (version 10.14, UCL) to automatically create (and manually edit) axial maps based on the urban street network. ArcMap (ver. 10.0) GIS software was used to present space syntax attributes.

In order to describe the level of Jewish–Arab segregation in Jaffa for the investigated period, two indices are implemented: Dissimilarity (D) and Exposure (P\*), which represent evenness and exposure dimensions of residential segregation, respectively (Massey and Denton 1988).



#### 4. Findings

##### *Changes in Jaffa's Jewish–Arab Residential Distribution, 1961–2008*

The case of Jaffa parallels that of other Israeli mixed cities in various respects (e.g., Falah 1996; Monterescu 2007; Omer 2003). In 1948, on the eve of the partition of Mandatory Palestine, Jaffa's Arab population numbered about 70,000, only 3,800 of whom remained immediately following the war fought between 1948 and 1949. These residents were concentrated for the most part in Ajami, a neighborhood located in the historic core of the Arab town. Jews subsequently moved into Jaffa, including Ajami, to form the majority. For example, by 1961, more than half of Ajami's population was Jewish (Portugali 1991). At the same time, beginning in the mid 1950s, the Arab community steadily increased and expanded beyond the Ajami neighborhood's boundaries (see figure 11.2).

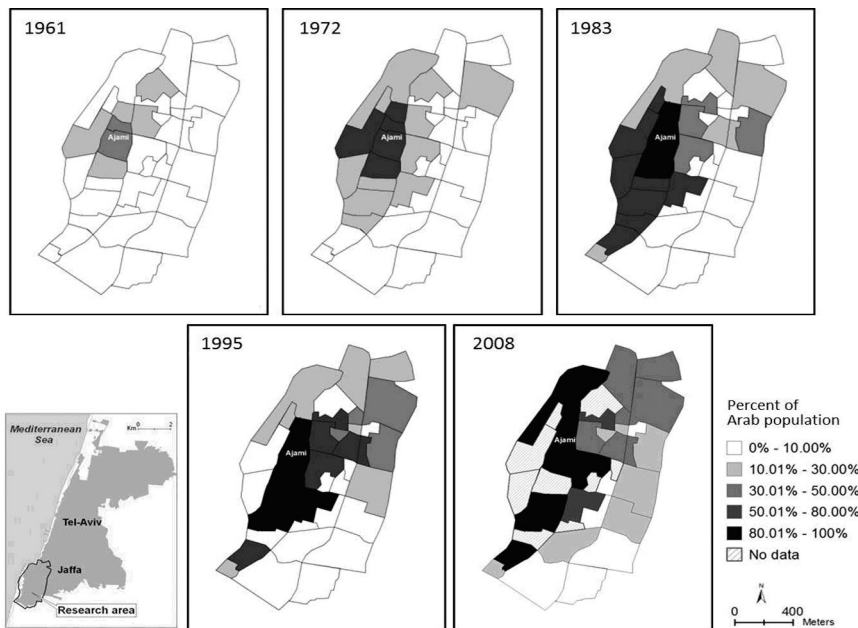


Figure 11.2. The Arab–Jewish residential distribution in Jaffa for the period 1961–2008.

Demographic changes over the period 1961–2005 were significant. First, the Arab population grew from 5,000 residents in 1961 to 17,000 in 2008 (reaching approximately one-third of Jaffa's total population by 2008). The main cause for this growth was natural increase, which in this

period reached 2.5%–3.0% annually. A second, more dominant process was the decline in Jaffa's Jewish population, which shrank from 58,000 in 1961 to only 29,000 by 2008.

The decrease in total population during the respective period, from 63,000 (1961) to 46,000 (2008), was also associated with partial implementation of a rezoning plan for all of Ajami. As part of this plan, many houses were destroyed, which significantly reduced housing availability, particularly before 1985 (Omer 2003).

These changes in Jaffa's Arab–Jewish composition can be viewed as an illustration of the majority–minority power relations that affect residential choice. Specifically, while Jews can change their residential location to any site within Jaffa and the Tel Aviv metropolitan area, including gentrified Arab neighborhoods, the Arab population's choices regarding residential space are limited primarily to neighborhoods located within Arab residential areas and to a few adjacent Jewish neighborhoods.

Results of our measurement of the degree of Jewish–Arab residential segregation by means of the Exposure index ( $p^*$ ) and the Dissimilarity index are found in table 11.1. The values obtained for exposure clearly demonstrate decreasing exposure of the Arab population to the Jewish population on the neighborhood level as shown in figure 11.2. In 1961, one Arab individual resided, on average, in those neighborhoods where 0.77 of the population was Jewish, while in 2008, the Jewish population in these neighborhoods accounted for 0.45 of the local population. We can therefore conclude that this change in the degree of exposure is undoubtedly the outcome of changes in the relative sizes of the two populations that transpired in Jaffa by 1983. In contrast, the relative stability of the evenness measure in for the entire period (1961–2008), as well as of the exposure measure after 1983, may point to the institutionalization of Arab and Jewish behavior regarding residential mobility, a pattern that led to the relatively persistent residential diffusion observed.

Table 11.1. Arab–Jewish Residential Distribution in Jaffa: Measures of Segregation, 1961–2008

| Measure \ Year                   | 1961 | 1972 | 1983 | 1995 | 2008 |
|----------------------------------|------|------|------|------|------|
| Dissimilarity                    | 0.63 | 0.64 | 0.69 | 0.68 | 0.64 |
| Exposure ( $P^*$ )<br>Arabs–Jews | 0.77 | 0.57 | 0.45 | 0.44 | 0.45 |

The general trend emerging from the form of the Arab population's residential distribution is one of continuous spatial diffusion with Ajami as the focal point (figure 11.2). However, this pattern did not extend in all directions at an equal rate. In some geographic areas the ethnic composition changed quickly while in others the change was slow or even stagnant. In searching for an explanation of these variations, we attempted to identify how selected attributes of the urban environment were involved in the formation of residential neighborhoods and the changing rates<sup>5</sup> of their ethnic composition.

*How Is the Urban Environment's Content Involved in the Constitution of Residential Neighborhoods?*

Analysis of the relation between ethnic composition change rates and characteristics of the urban objects at the neighborhood level can reveal how different layouts effect the formation of diverse residential neighborhoods during the expansion of the Arab residential pattern.

The results of this analysis found several environmental properties to be significant for neighborhood composition. As can be seen in figure 11.3, a building's oriental architectural style is significantly and positively correlated with an Arab neighborhood's ethnic change rate ( $r=0.626$ ;  $p<0.05$ ). That is, the construction of buildings evidencing a contemporary, nonoriental architectural style forecasts changes in the neighborhood's ethnic composition. This trend appears natural considering the symbolic and functional meaning of architectural style, especially in light of the fact that the oriental-style houses still standing had been populated by Arab residents in the pre-1948 period.

As to nonresidential land uses, the presence of commercial or shopping sites and Arab community institutions (e.g., places of worship and schools) within a neighborhood were found to be significant indicators of an expanding residential pattern. The ethnic composition change rate was thus found to be positively correlated with the presence of Arab community institutions ( $r=0.491$ ;  $p<0.05$ ) but negatively correlated with the existence of public institutions ( $r=-0.438$ ;  $p<0.05$ ).

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<sup>5</sup> The annual change rate of ethnic composition in each neighborhood was calculated by dividing the fraction of the Arab population measured at the beginning and end of the period in question, 1983–2008, by the number of years in the time period during which the compositional change occurred.

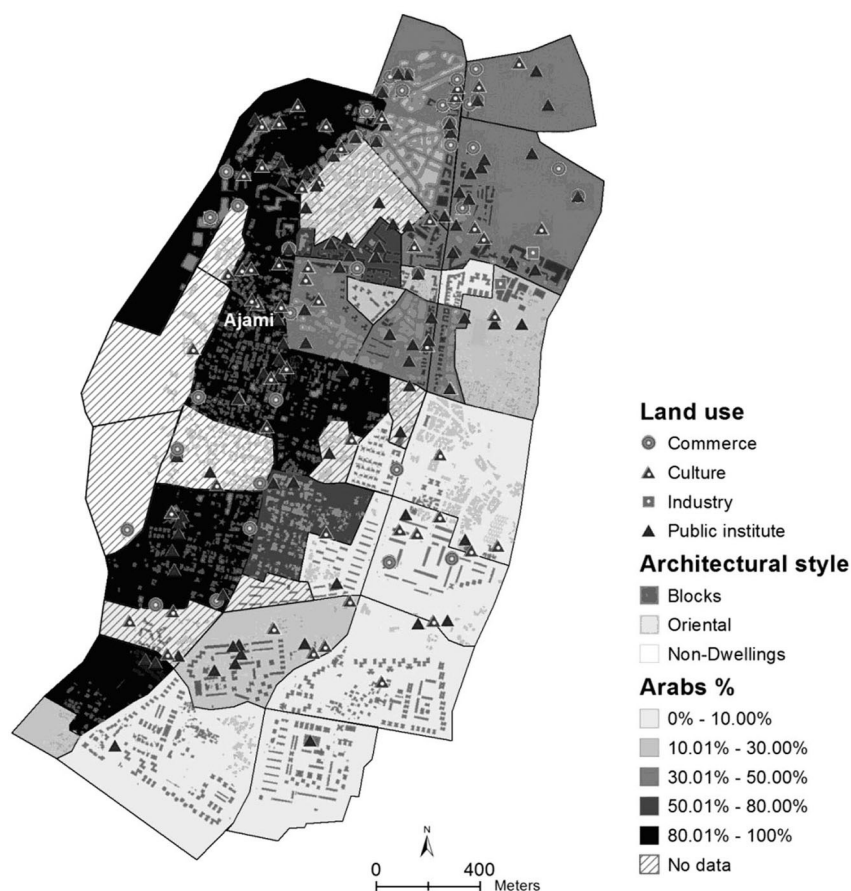


Figure 11.3. Arab–Jewish residential distributions in Jaffa in 2008, against the geographical distribution of land uses and architectural styles of buildings.

The picture emerging from these data is that changes in Arab residential patterns indicated a drift toward large-scale areas dominated by Arab-style residential buildings and shopping sites, especially if they contain Arab community institutions at the local, neighborhood scale. However, the presence of public institutions in a neighborhood moderates the expansion rate.

Figure 11.4 illustrates how diverse features of the urban environment determine ethnic composition change rates in a selected geographical area within Jaffa. As the figures shows, changes in the ethnic composition of the neighborhoods located in this area tend to fit an S-shaped curve even

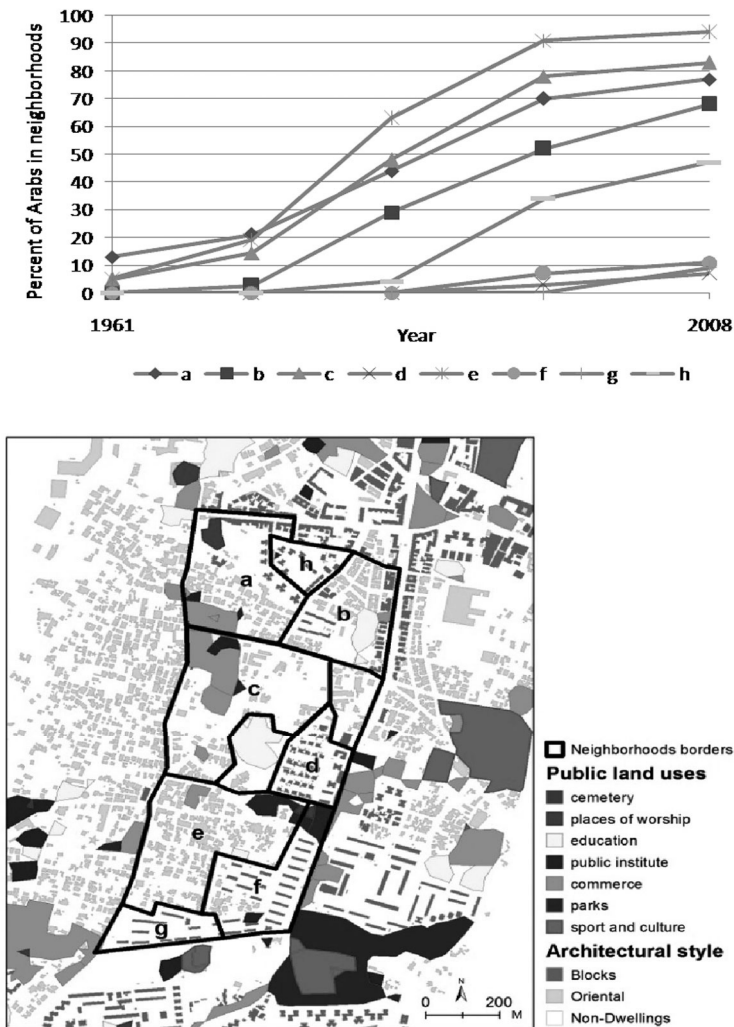


Figure 11.4. The ethnic composition change rate for the period 1961–2005 in selected Jaffa neighborhoods, indicated by the letters a to h (top), and the characteristics of the urban environment in these neighborhoods (bottom): (a) oriental-style houses, commercial sites, places of worship, public institutions; (b) oriental-style houses, schools, commercial sites, places of worship; (c) oriental-style houses, commercial/shopping sites, places of worship, parks and schools; (d) block-style buildings; (e) oriental-style houses, commercial sites, places of worship, parks, schools; (f) block-style buildings; (g) block-style buildings; (h) block-style buildings, parks.

though their respective rates (and thus the time allowed for exposure between Arabs and Jews) significantly differ. These findings indicate that the geographic distribution of types of buildings and public spaces having different functional, cultural, national and symbolic meanings for Arab as well as Jewish residents in the sense that common knowledge can channel Arabs' residential choice and thus impact on change in ethnic composition and the subsequent residential segregation.

### *Visual and Physical Accessibility*

Accessibility attributes significantly corresponded with the changes in Arab-Jewish residential patterns. The ethnic change rate was found to be correlated with the level of topological distance (step depth) from the Ajami neighborhood ( $N=15$ ,  $r = -0.59$ ;  $p=0.021$ ).<sup>6</sup> A similar examination, based on metric distance as well as measurements taken along the streets, showed a much lower, negative and nonsignificant correlation ( $r = -0.34$ ;  $p=0.210$ ). An illustration of these correlations is presented in figure 11.5. A negative correlation with the ethnic change rate means that when the area was more accessible to the Arab community's core, the change of neighborhood identity from Jewish to Arab occurred more rapidly.

This means that Arab residential patterns tend to expand mainly in the direction of areas having good visual access to the Arab community's core (i.e., long, straight streets connected directly to the core area) and much less toward areas that are close to the core in physical (metric) terms. This tendency relates to the irregular expansion of the Arab residential pattern and deviation from the ideal form of diffusion (figure 11.5; see also figure 11.2).

Thus, although physical metric distance is likely to be an integral part of the residential segregation and spatial diffusion of minority groups, topological distance (or the number of turns that represent visual access) appears to have priority regarding perceptions of the urban environment within the formation of Arab-Jewish residential neighborhoods.

This finding implies that topological distance, considered an integral component in the cognitive spatial representation of a given geographic

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<sup>6</sup> The step depth was computed here from all the axial lines existing in Ajami, the Arab community's core neighborhood (defined by the blue border, figure 11.5), to all other axial lines in the city. Lower values indicate an area's topological proximity (closeness) to the Arab community's core. The correlation was performed for the average values of the step depth and the annual ethnic change rate in each neighborhood.



Figure 11.5. Topological distance (top) and metric distance (bottom) of axial lines from the Arab community's core, viewed against the geographic distribution of ethnic composition change rates.

environment (e.g., Kuipers et al. 2003; Golledge and Stimson 1987), is relevant for ethnic residential segregation. It also agrees with previous research indicating that topological distance is more dominant than metric distance in the construction of social and functional areas in urban spaces (e.g., Hillier 2002; Penn 2003) as well as other spatial behavior, such as pedestrian movement (Hillier and Iida 2005) and wayfinding (Montello 2005).

The ethnic change rate in Jaffa's neighborhoods was also found to be related to the other topologically based attributes of connectivity and local integration ( $r=0.503$  and  $r=0.527$ , respectively;  $p<0.05$ ). That is, when a given neighborhood was well-integrated with the neighborhoods that bordered the community's built area, members of the Arab community were more motivated to live in the latter neighborhoods.

The ethnic change rate was also found to be correlated with accessibility of Choice (the measure of potential through-movement) throughout Jaffa ( $r=-0.42$ ,  $p<0.05$ ). The value of the Choice (or Betweenness) measure indicated how much a neighborhood was located on paths that linked it to other neighborhoods, a characteristic that enabled that neighborhood to serve as a transition route. A negative correlation with the ethnic change rate meant that when the area was more accessible to through routes, the change of neighborhood identity from Jewish to Arab occurred slowly, implying that greater exposure between Arabs and Jews made for a seemingly more mixed neighborhood.

To summarize, visual access is a dominant feature determining Arab residential pattern expansion, the formation of residential neighborhoods and the ethnic composition change rate. This feature thus has a significant effect on the residential segregation between Jaffa's Arab and Jewish populations.

### *Perceived Neighborhood Territories*

The investigation of *perceived neighborhoods* by means of semistructured interviews was intended to round out the extensive objective research conducted. The interviews disclosed a clear difference between Arabs and Jews, both in the pattern and the size of their perceived neighborhoods. Jewish residents tended to perceive smaller and more clearly demarcated neighborhood territories with greater sensitivity to the conditions of the urban environment than did Arab residents. These differences are illustrated in figure 11.6, which shows the perceived neighborhoods of respondents living in one of Jaffa's mixed Jewish–Arab areas.



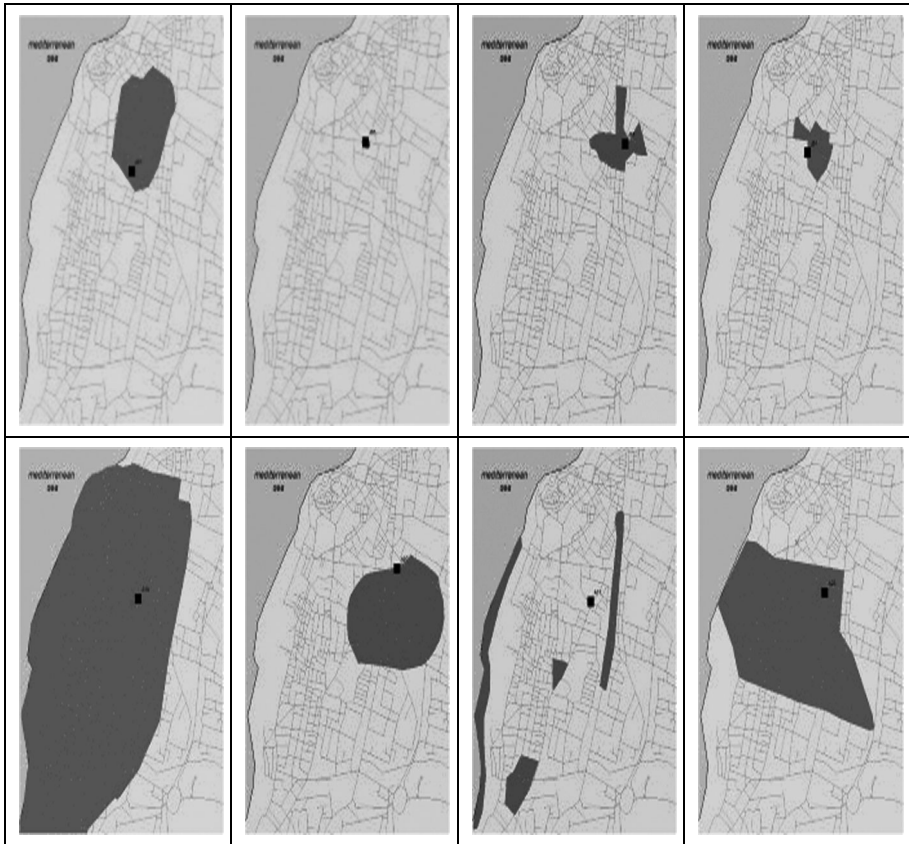


Figure 11.6. Example of perceived neighborhoods as described by Jews (above) and Arabs (below), with the location of the respondent's home relative to the neighborhood's perceived boundaries.

It is possible that the difference between Arabs and Jews with respect to the size of their perceived neighborhoods reflects the respondents' feelings about the area. Most Arab respondents mentioned that they have "a history" in Jaffa and that their roots are there; hence, they feel comfortable, that they belong there. These feelings were reflected in their interview responses: *"I am very connected to the land. The identity of Jaffa is very strong for me. Everybody is very unified here."*; *"I was born and raised in this city. I love it and feel part of it."* In contrast, Jewish respondents perceived Jaffa as much more threatening and felt less free there: *"I feel comfortable only in my home (immediate) area. Outside of it I don't*

*feel safe. I am Ashkenazi*<sup>7</sup> *and people don't look at me nicely*"; *"There is the problem of crime in Jaffa. There are gangs of abandoned Arab kids; it's unpleasant"*; *"I don't take shortcuts through the park... [because] there are many Arab clans [there]."* Thus, the Jewish respondents associated their discomfort in some Jaffa locations with the presence of the Arab population. They chose their places for conducting daily activity accordingly, e.g., by choosing to walk only along main streets.

The differential size of the perceived residential neighborhoods demarcated by the two populations can therefore be related to differences in feelings and attitudes: Arabs, who feel comfortable in Jaffa, tend to perceive their neighborhood as one with a wide-scale area, with some even claiming that the whole of Jaffa is their neighborhood. Conversely, Jews, who generally feel uncomfortable outside their immediate home area and even express fear regarding their safety within their residential environment, tend to perceive their neighborhood as having a much smaller area. This finding concerning the correspondence between respondents' feelings of personal safety and neighborhood size are similar to empirical evidence recently reported by Minnery et al. (2009).

The size of Arab and Jewish perceived neighborhoods also appears to affect the level of actual residential segregation. Previous studies (e.g., Fossett and Dietrich 2009; Laurie and Jaggi 2003) have shown that in actual observed residential segregation, expressions of tolerance and individuals' residential preferences depend on the size of the respondents' perceived neighborhoods. It was found that when people survey a large geographical area during their residential search, the residential segregation is strong only if those individuals are relatively intolerant. In contrast, when a search is limited to a more restricted area, even slight intolerance can lead to significant segregation. However, residential segregation in the latter case tends to remain exclusively on the local geographic scale (i.e., small clusters of ethnic groups).

In light of this knowledge and considering the fact that the Arab population in Jaffa is much more tolerant than the Jews regarding their willingness to share common residential neighborhoods (Hadas and Gonen 1994; Omer et al., 2014), we can conclude that the differential size of Arabs' and Jews' perceived neighborhoods, as found in the current study, can potentially moderate actual residential segregation. That is, because the Arabs are relatively more tolerant and tend to have larger perceived neighborhoods, their spatial behavior may lessen residential segregation

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<sup>7</sup> A Jew of European or American origin.

by slowing down the rate in ethnic composition changes while accelerating intergroup exposure. On the other hand, because the Jewish population is relatively less tolerant but has small perceived neighborhoods, their behavior can lead to strong segregation but at a smaller geographic scale, that of the neighborhood, as illustrated in figure 11.6.

A detailed examination of the land uses characterizing the perceived neighborhoods also revealed significant differences (see figure 11.7): While the territories indicated by Jews included functional land uses such as commerce (stores, restaurants, coffee shops, banks, markets, parks, schools and kindergartens), those of Arabs included primarily objects having personal (e.g., family members' homes), social (e.g., friends' home) and historical (e.g., Jaffa's old clock tower, mosques) meanings. We therefore find divergence in the meanings that Jaffa's two ethnic populations assign to their urban environment, with Jewish residents focusing on their neighborhood's functional or material benefit and Arab residents focusing on its social and symbolic content.

Another difference between the Arab and Jewish population refers to the sensitivity of the respective perceived neighborhoods' boundaries to the presence of physical objects (see figure 11.7). The boundaries perceived by Jewish residents were relatively more explicit in that these respondents tended to recognize the presence of urban objects, mainly commercial sites, public institutions, streets as well as physical partitions or barriers (some of which may also be visual). Alternatively, Arab residents indicated boundaries that tended to relate to small-scale open and abandoned spaces, characterized by low levels of pedestrian penetrability.

These findings lend support to the association found between spatial partitions located between adjacent neighborhoods that differ significantly in their ethnic composition. For instance, neighborhoods c and d in figure 11.4 are separated by a school and abundant open space while the respective neighborhoods totally differ in their ethnic composition: Neighborhood c has more than 90% Arab residents while Neighborhood d has more than 90% Jewish residents (see figure 11.2).

We therefore found that physical and visual partitions contribute to the irregularity of Arab residential expansion and the formation of neighborhoods that differed in their ethnic change rate. In some sense, these partitions and differentiations facilitate the coexistence of the two populations in areas of relatively small geographic scale. That is, when adjacent neighborhoods differ significantly in their ethnic composition, residential segregation can be maintained at the local scale but the potential for intergroup encounters in public spaces, located at higher geographic scales,

simultaneously increased. Consider what happens in an urban park located between these neighborhoods.

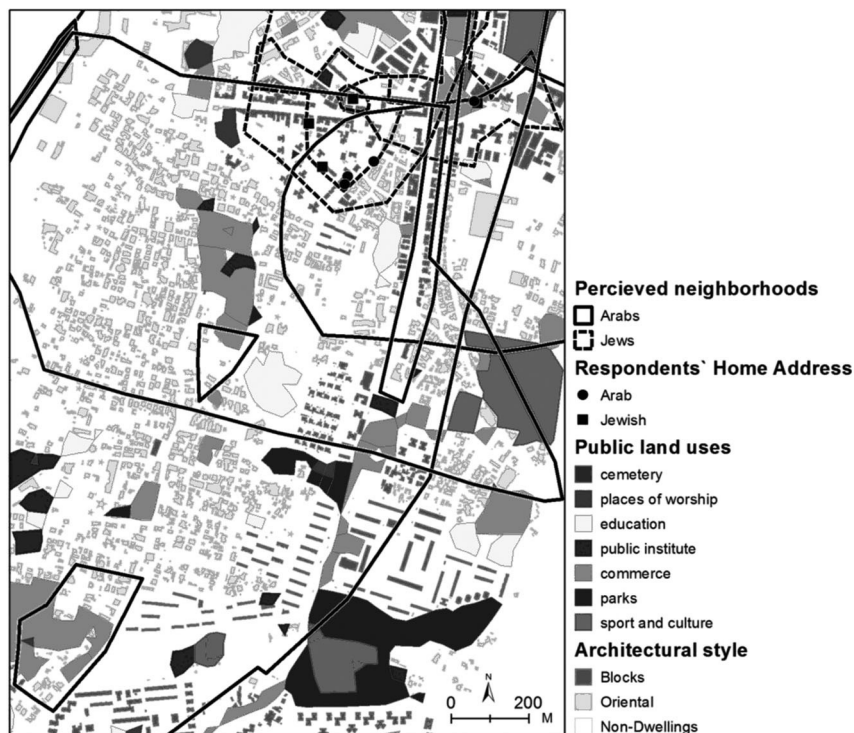


Figure 11.7. Perceived neighborhood boundaries, by ethnic identity of residents, in a selected area in Jaffa against the background of the geographical distribution of land uses and architectural styles.

When considering majority–minority relations in Jaffa, the findings regarding differences in the size and shape of a perceived neighborhood's territories may appear counterintuitive. The situation described, in which Arabs feel safer and more strongly attached to geographic space than do Jews, can nonetheless be explained by the meaning associated with Jaffa's historic past as an Arab city. These attitudes can likewise be related to the shrinking Jewish areas and the formation or strengthening of Arab identity in many of the places incorporated during expansion of the Arab residential pattern.

In this context, it should be noted that unlike the Arab residents who expressed respect and attachment exclusively to Jaffa in its entirety, Jewish residents expressed greater feelings of belonging and identification

with the city of Tel Aviv. They therefore appeared to perceive Jaffa as a sort of “satellite” or bedroom suburb of Tel Aviv, the dominant “Jewish” (or “Hebrew”) city. From a broader perspective, this difference in attachment reflects the tension between citizenship and ethnic identity within Israel’s civil arena. Arab residents thus represent a minority group in Israeli society whereas Jewish residents represent a minority in certain parts of Jaffa.

## 5. Conclusion

The case of Jaffa shows that relationships between minority and majority groups, whether tolerance or discrimination, can take different spatial forms in response to the conditions of the respective urban environment. At the same time, during the evolution of majority–minority residential and activity patterns as influenced by self-organization and overall social structuration, people, as individuals and as members of ethnic groups, adhere to institutionalized socio-spatial norms when making residential choices.

This investigation, conducted in the mixed Arab–Jewish area in urban Jaffa, shows that environment and accessibility is related to the formation of residential neighborhoods. The spatial expansion of the Arab residential pattern and the ethnic composition in mixed versus homogeneous neighborhoods was found to be susceptible to the influence of structural and demographic processes and to the large-scale geographic distribution of land uses (e.g., type of residential areas or shopping areas) and visual access of locations, particularly relative to the Arab community’s residential core. The analysis of the perceived neighborhoods revealed that local-scale land uses (e.g., place of worship or school) and visual access, which is directly perceived by people, might be also involved in the formation of those neighborhoods. It was further found that Jewish residents tend to perceive smaller and more clearly demarcated neighborhood territories with greater sensitivity to the conditions of the built environment than do Arab residents. These differences, which are mainly related to the different feelings (i.e., safety, belongings, etc.) and meaning (i.e., symbolic, functional etc.) given to the urban environment, have implications for actual Arab–Jewish spatial segregation.

The results of the study conveyed here can help us understand how the geographic distribution of land uses having different functional, cultural and symbolic meanings for Arab and Jewish residents, as well as the vis-

ual and physical access to selected locations in Jaffa, are perceived by people and consequently influence the formation of residential neighborhoods and their ethnic composition. They have thus shown how different combinations of land uses and levels of visual accessibility affect Arab–Jewish residential segregation. From the perspective of individuals, the urban environment’s variety enables people to choose, at least partly, residential places that fit their tolerance level and simultaneously share public spaces with members of other groups.

The identification and understanding of the institutionalized contextual characteristics of an area, especially those characteristics that enhance formation of mixed neighborhoods and intergroup contact, can contribute to spatial policy making capable of responding to the needs of two populations—Jews and Arabs in the case of Jaffa. This approach thus addresses one of the main ideas behind this collection—*Space and Pluralism*—the need to deal with the question of how individuals and groups in a multicultural society can best live together and share a common physical space.

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"How can individuals and groups in a multi-cultural society best live together and share a common physical space? Is public space always an inclusive space for all individuals regardless of identity and social status? Is one's spatial identity required to enhance the desire to remember a city's history? Are restrictions of access and restrictions of conduct in the urban realm favorable or confrontational with tolerance? This book will help to look at tolerance and pluralism from a spatial perspective, enhancing our understanding of some of the main challenges for governing the city."

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